Florida's Last Frontier

Town of

LOXAHATCHEE GROVES

Item 4.c.

PRESENTATIONS

Jim Fleischmann

Item 4.c. Presentation of the Town Council 06/03/2014 Agenda is included as a separate Attachment to the 2014-06-03 Agenda Packet

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TO: Mayor and Town Council, through Mark A. Kutney, AICP, ICMA-CM, Underwood Management Services Group, L.L.C.

FROM: Jim Fleischmann, Town Planning Consultant

DATE: May 27, 2014

SUBJECT: Unified Land Development Code (ULDC) Review Committee Summary Report

I. BACKGROUND/HISTORY

The Town Council, at its February 18, 2014 meeting, authorized the expenditure of $1,500.00 to prepare the ULDC Review Committee Summary Report describing its activities during 2013.

The ULDC Review Committee (Committee) was created by Resolution 2012-09 to act as an advisory board for the purpose of reviewing and providing recommended revisions to the currently adopted Unified Land Development Code, consistent with direction from the Town Council. Sunset of the ULDC was established at December 31, 2013.

From January 30, 2013 through October 17, 2013, the ULDC Review Committee held 11 meetings, at which a variety of subjects were discussed.

At the January 14, 2014 Town Council meeting, Town Manager Kutney presented a list of ULDC items that still needed to be addressed by the committee, including: Article 75 "Non-Conforming Uses"; Article 87 "Native Tree Preservation, Soil Stabilization, and Invasive Exotic Removal"; and Article 90 "Sign Provisions". Following a discussion on the subject, the Town Council passed Resolution 2014-03, extending the term of the ULDC Review Committee until December 31, 2014. Key provisions of Resolution 2014-03 include: (1) the term of the committee may be further extended by the Town Council; (2) committee meetings are to be scheduled by the Town Council; and (3) the committee shall only consider subjects specifically directed by the Town Council.

II. DISCUSSION

Brief summaries of each of the 11 Committee meetings are presented in Table 1, including committee actions taken and staff comments for each agenda item. Some agenda items were presented for action by the committee, while others were presented primarily for informational purposes.

A. Action Items

The following is a list of items that were presented to the ULDC Review Committee for action (i.e. recommendation to the Town Council):

- ULDC Article 10 "Definitions".
- ULDC Article 75 "Nonconforming Uses Structures and Plots/Hay Sales/Historical Legacies".
- ULDC Sections 80-015 "Home Occupations" and 80-010 "Residential Enterprise".
- ULDC Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotics Removal".
- ULDC Article 90 "Signs".
- ULDC Article 170 "Special Exception Uses".
- ULDC Ordinance 2010-02 "Pain Management Clinics".
- Agriculture.

Summaries of ULDC Review Committee discussions, including recommendations, on each of the above items, are presented in Table 2.

B. Information Items

The following items were presented to the ULDC Review Committee for review and discussion, as they are items of general community interest and may require future action by the Town. It was the committee's option to make a recommendation on these items (Refer to Table 1 for additional detail):

- Attorney General's opinion on agriculture (item discussed at the February, September and October meetings).
- Excessive noise regulation (item discussed at the May and June meetings).
- Flood Insurance Rate Maps and Flood Insurance (item discussed at the June, July, August, September and October meetings).
- Unsafe structures (item discussed at the October meeting).

III. FISCAL IMPACT

Cost to prepare this Activity Report - $1,500.00. No additional costs are anticipated unless the Town Council authorizes the ULDC Review Committee to meet and directs that a specific topic be reviewed.

IV. ATTACHMENTS

- Table 1 - ULDC Review Committee Meeting Summary.
- Table 2 - ULDC Review Committee Summary of Actions and Recommendations.
- Supplemental Information Package.

V. PROPOSED ACTION: Motion to approve.

TABLE 1 - ULDC REVIEW COMMITTEE MEETING SUMMARY

ULDC Meeting Date	Agenda Item	
	New Business	Old Business
January 30, 2013	**Subject: Article 170 Special Exception Uses** **A. Discussion:** Staff presentation regarding the special exception process. Objective of staff recommendations is to streamline the process by creating special exception categories. **B. Action:** Deferred to next meeting **C. Comment:** Much of meeting devoted to discussion of ULDC duties and election of officers.	**Subject: None as this was the initial ULDC meeting** **A. Discussion:** NA **B. Action:** NA **C. Comment:** NA
	Subject: Article 75 Nonconforming Uses **A. Discussion:** None **B. Action:** Deferred to next meeting **C. Comment:** See "C" above	
February 21, 2013	**Subject: Attorney General's Opinion** **A. Discussion:** Town Attorney summarized the new agricultural statute – non-residential farm buildings are exempt from all local codes. AGO opinion is more of a code enforcement interpretation. Law relates only to structures. If a code enforcement issue arises, Town must first determine if a building, fence or sign is a farm building, fence or sign prior to code enforcement action. Law has nothing to do with "Right-to-Farm" act. **B. Action:** None **C. Comment:** Information only item	**Subject: Article 170 Special Exception Uses** **A. Discussion:** None - Item continued **B. Action:** None **C. Comment:** Delayed to allow staff time to further address Motion 2
	Subject: Hay Sales Amendment **A. Discussion:** Staff presented background. Originally revisions were oriented only to straw, hay and grain sales. By Council direction, scope was expanded to address "historical legacy uses" **B. Action:** 1. Motion was made and passes to add the word "support" in the proposed Hay Sales Ordinance to add the word "support" whenever the language agricultural sales and service appears in the Ordinance. 2. Motion was made and passed to combine the intent of Section 75-035 (Uses as of October 1, 2006) with the concept of business classified as historical legacies and let this become a form of special exception that would go to Town Council with the presumption of having satisfied the requirements. **C. Comment:** The intent of Motion 2 was to work with the draft of the Special Exception Ordinance and incorporate historical legacy recommendations submitted by Committee Member Voren.	**Subject: Article 75 Nonconforming Uses, Structures and Plots** **A. Discussion:** None - Item continued **B. Action:** Deferred to a future date to allow Staff time to further address Motion 2 of the Hay Sales Amendment Agenda item. **C. Comment:** None

ULDC Meeting Date	Agenda Item	
	New Business	Old Business
February 21, 2013 (continued)	**Subject: ULDC Definitions (Article 10)** **A. Discussion**: Staff addressed the Section in general and requested each Member to send a list of troublesome definitions that would be addressed at the next meeting. **B. Motion:** None **C. Comment:** None	
March 21, 2013	**Subject: ULDC Definitions (Article 10)** **A. Discussion:** Staff discussed some specific guidelines that the ULDC should consider when reviewing the definitions section. Under Section 10-005, the Committee determined that (D), (E), (F) and (H) should be eliminated. Reviewed definitions "Accessory Building" thru "Commercial Equestrian Operation" and recommended several changes. **B. Action:** Motion made and passed to recommend to the Council that the Town have a preamble of the Code that says it is the intent of the Code to recognize the definitions that exist in the State Constitution and State Statutes that relate to the Code being adopted by the Town **C. Comment:** Meeting adjourned after Definitions section review	**Subject: Article 75 Nonconforming Uses, Structures and Plots** **A. Discussion:** None **B. Action:** Item continued **C. Comment:** Meeting adjourned after Definitions discussion **Subject: Article 170 Special Exception Uses** **A. Discussion**: None - Item continued **B. Action:** None **C. Comment:** Meeting adjourned after Definitions discussion
April 18, 2013	**Subject: ULDC Section 50-010 – Excessive Noise** **A. Discussion:** Staff requested that this item be tabled until the next meeting. **B. Action:** Motion made and passed to table discussion of Section 50-010 to the next meeting. **C. Comment**: There are several noise related issues in Town that need to be discussed.	**Subject: ULDC Definitions (Article 10)** **A. Discussion:** Staff discussed the issue of deferring to statutory definitions. Often, terms defined in the statutes relate to specific statutory issues and are not universally applied for use in all instances. Specific discussions related to agriculture and the Right to Farm Act. The remainder of the definitions in Article 10 was reviewed and several revisions were suggested. The Committee recommended that definitions for lawn and landscape businesses and adult living facility be added. Staff suggested several other terms that needed to be defined. **B. Action:** Motion made and passed to recommend to the Council that the Town have a preamble of the Code that says it is the intent of the Code to recognize the definitions that exist in the State Constitution and State Statutes that relate to the Code being adopted by the Town. **C. Comment:** Staff has prepared several revisions to Article 10, based upon Committee recommendations. **Subject: Article 75 Nonconforming Uses, Structures and Plots** **A. Discussion:** None **B. Action:** Item continued **C. Comment:** More detail at next meeting

ULDC Meeting Date	Agenda Item	
	New Business	Old Business
April 18, 2013 (continued)		**Subject: Article 170 Special Exception Uses** **A. Discussion:** None - Staff reviewed the material provided as back-up, including recommendations for 3 special exception categories and expedited review and advertising requirements. Staff stated that historical legacy recommendations provided by Member Voren could be incorporated as a Category B Special Exception **B. Action:** Item continued to the next meeting. **C. Comment:** Staff received comments from the Committee and the item was continued to the next meeting to allow a Staff response.
May 16, 2014	**Subject: Commercial Equine Operations (Keith Harris request)** **A. Discussion:** Mr. Harris addressed the Committee on the issue of commercial equine operations and ULDC requirements. He suggested it become a permitted use. **B. Action:** Committee consensus to re-consider the issue in a future discussion. **C. Comment:** None	**Subject: ULDC Section 50-010 – Excessive Noise** **A. Discussion:** Staff recommended that 50-010 should be revised in terms of decibel level and the measurement system. Additional discussion regarding Town versus County complaint requirements **B. Action:** 1. Motion made and passed for staff to review Section 50-010 and modernize it and have an appropriate method to measure noise and possibly increase the decibel level. 2. Motion made and passed for staff to review the Palm Beach County codes in regard to specific mechanical devices and public versus private. **C. Comment:** None.
		Subject: Article 75 Nonconforming Uses, Structures and Plots **A. Discussion:** Discussion of who makes the initial determination of non-conformity – Staff or Council. It was the consensus of the Committee that Staff should make the determination, with provisions for appeal to the Council. **B. Action:** Motion made and passed to direct staff to review Article 75 and propose appropriate changes. **C. Comment:** More detail at next meeting
		Subject: Article 170 Special Exception Uses **A. Discussion:** Staff reviewed the suggested changes. The Committee requested, by consensus, the following changes: Mobile homes – change from Special Exception to Conditional Use; Outdoor Events – Delete Special Exception requirement at this time, with later discussion regarding its relationship to agriculture and whether permits are necessary for private properties. Section 170-015 Category B – add a requirement for a property/building layout drawing with approximate dimensions. Section 170-040 (A) – after "improvements" add "and/or documentation." **B. Action:** None **C. Comment:** Staff to move forward with revisions based upon input and direction from the Committee.

ULDC Meeting Date	Agenda Item	
	New Business	Old Business
June 20, 2014	**Subject: Flood Insurance Rate Maps and Flood Plain Ordinance** **A. Discussion:** Staff gave an update on the FEMA Draft Rate Maps, the FEMA model ordinance and the Palm Beach County model ordinance. **B. Action:** None **C. Comment:** Staff will keep the ULDC Review Committee updated on the interaction of municipalities and FEMA.	**Subject: Article 170 Special Exception Uses** **A. Discussion:** Staff advised that a draft of changes discussed at the last meeting had been incorporated within the Ordinance and the issue of mobile homes Staff recommended approval of the changes to Article 170, as well as [proposed changes to advertising requirements. B. Action: The Committee made and passed the following four motions: 1. Approve changes to Article 170, as recommended by staff, with the following changes subject to legal review and Town Council approval: a. Section 170-010: Tents for private personal use should be a Category C Special Exception. b. Add a list of events/items that are exempted or under Category B. Include wording that private events for a period of 24 hours would require only minimum notification. c. Section 170-015: Add wording for exemptions that would grant an exemption for private events lasting less than 24 hours. d. Section 170-015©: Clarify that the layout is to be prepared by the applicant and Zoning Confirmation letter is prepared by Staff. e. Section 170-020(B): Change the last line – notification "to" the Town Council, not "of". f. Section 170-040(C): Change two-year waiting period to one-year waiting period. 2: Approve Section 115-010 Table of Public Notice Requirements, as recommended by staff, subject to any changes that may need to be made by legal review. 3. Approve uses on the table entitled "Recommended Special Exception Categories by Zoning District" (page 14 of 129 of the Agenda Packet) with the exception that commercial equestrian operations are not required to obtain Special Exception approval. Rather, commercial equestrian operations are to be listed in the AR District as a permitted principal use. 4. The ULDC Review Committee further review the mobile home issue when the AR District is reviewed. **C. Comment:** None

ULDC Meeting Date	Agenda Item	
	New Business	**Old Business**
June 20, 2014 (continued)	**Subject: Ordinance 2010-002 Pain Management Clinics** **A. Discussion:** Staff explained that Ordinance 2010-02 declared a moratorium and zoning in progress on pain management clinics. The Management Company came on board in 2011, and brought it to the attention of the Town Council. As part of the ULDC Review Committee study, it could provide input to the Town Council in this regard. **B. Action:** None **C. Comment:** None	**Subject: Information Regarding Noise Regulations** **A. Discussion:** Staff stated that the person who had provided noise training to staff indicated that the provision the Town was working under was not state of the art. That was the reason for bringing the subject to the ULDC Review Committee. Mr. Lefkowitz distributed information regarding noise levels, public versus private nuisance and new technology to record noise levels. Staff stated that it tries to enforce the ordinance fairly and each case is different. **B. Action:** None **C. Comment:** None
	Subject: ULDC Article 87 – Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal **A. Discussion:** Staff commented that there were typos and other issues with this Article and was something that the ULDC Review Committee could review and provide input. **B. Action:** None **C. Comment:** None	
	Subject: Discussion of Agricultural Issues **A. Discussion:** Staff stated that, due to a change in administration at the Property Appraiser's Office, the County will not give a bona fide agricultural classification based upon a business plan; rather, a business has to be operating and show a business tax receipt. As a result, there is a period of time between start up and designation as bona fide agriculture. Staff questioned as to whether or not the Town has the right to require site plans and approvals on hew agricultural operations prior to their obtaining bona fide agriculture status. The Staff has been struggling with this issue. The example of a proposed vermiculture operation was used to illustrate the dilemma. **B. Action:** None **C. Comment:** None	
July 18, 2013	None	**Subject: Flood Insurance Rate Maps and Flood Plain Ordinance** **A. Discussion:** FEMA is working on a Flood Insurance Rate Map (FIRM). No one is satisfied with the proposed maps for Palm Beach County. Each city must do its own review. The County advised Staff that the Town would have to adopt its own ordinance. **B. Action:** ULDC Committee asked for a monthly update on the issue **C. Comment:** Staff will keep the ULDC Review Committee updated.
		Subject: Ordinance 2010-002 Pain Management Clinics **A. Discussion:** Ordinance called for Town Administration to analyze potential effects of pain management clinics in Town. ULDC Committee will be asked for direction on the issue **B. Action:** Staff requested to collect regulations from other municipalities. **C. Comment:** Staff will collect examples of other ordinances.

ULDC Meeting Date	Agenda Item	
	New Business	Old Business
July 18, 2013 (continued)	None	**Subject: ULDC Article 87 – Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal** **A. Discussion:** Staff suggested that this item be deferred to the next meeting **B. Action:** Item deferred **C. Comment:** None
		Subject: Discussion of Agricultural Issues **A. Discussion:** Staff raised this issue due the number of unusual agricultural uses that have been the subject of zoning interpretations, some of which may have potentially noxious impacts upon Town residents. Staff questioned whether the Town should have procedures in place to review these uses before they were developed in order to mitigate potential adverse impacts or impose regulations and/or improvements prior to a use gaining bona fide agriculture status. The example of a worm farm was used to illustrate Staff's concern. Member Voren submitted a list of questions for the Attorney General: 1. F.S. 604.50 exempts non-residential farm buildings from local codes. For these exemptions to apply, must the Property Appraiser classify the lands with a particular use code? 2. To be afforded nuisance protection under the Right to Farm Act, does the Property Appraiser need to assign a particular use code and does one need to implement BMPs. 3. Can all plants and the entire animal kingdom, inclusive of insects, fish, reptiles, birds, and all animals useful to humans, regardless of whether they are used for food or adornment, be considered farm products or is there a limited list. **B. Action**: Motion made and seconded that anything that has to do with agriculture needs to be removed from the ULDC (all references removed). Motion to table until the next meeting to give Members time to review Florida Statutes. **C. Comment:** Staff will compile an inventory of Town ULDC references to agriculture to use in determining what specific language should be delete from and/or revised in the ULDC.

ULDC Meeting Date	Agenda Item	
	New Business	Old Business
August 15, 2014	None	**Subject: Flood Insurance Rate Maps and Flood Plain Ordinance** **A. Discussion:** Staff stated that FEMA is now willing to revise floodplain maps based upon better data. Provided prior to November 13, 2013. Maps will probably be issued in 2014 and public meetings will be held. Since the ULDC will sunset soon, Staff requested a ULDC Committee recommendation on how to proceed with the related ordinance. **B. Action:** Motion made and passed to recommend that the Town Council direct staff and the Town Attorney to work with appropriate Palm Beach County officials to fully evaluate whether the Town should have its own ordinance, or whether the Town should try to go under the Palm Beach County ordinance. **C. Comment:** It was determined by the Committee that this issue should be moved into an update category for the Committee to review.
		Subject: Ordinance 2010-002 Pain Management Clinics **A. Discussion:** Staff requested that this item be deferred until the next meeting, so that more information could be collected. **B. Action:** Motion made and passed to recommend to the Town Council that pain management clinics are allowed only as an accessory use to a full service medical facility, provided that such an action is legal. **C. Comment:** The ULDC further recommended (no motion) that the Town Council evaluate what the County is currently doing and look at their ordinances for consistency. This item will be moved to an update category for an upcoming ULDC agenda.
		Subject: ULDC Article 87 – Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal **A. Discussion:** None **B. Action:** Item deferred to the next meeting. **C. Comment:** None
		Subject: Discussion of Agricultural Issues **A. Discussion:** Staff requested for ULDC Committee direction as to a definition of "Accessory Structure". Staff identified 14 Florida Statutes that address the issue of agriculture and proposed that it prepare a summary of the Statutes and an inventory of Town ULDC citations to agriculture. These documents can be used as a basis for the Committee to determine specifically which sections of the ULDC should be revised, deleted or combined, and which Florida Statutes citations should be included in the ULDC. The Town's ULDC permits both "agriculture" and "bona fide agriculture". If both are in the ULDC, we need to know the differences in the two terms, and how the ULDC will treat them, if at all. Discussion took place regarding whether agriculture should

ULDC Meeting Date	Agenda Item	
	New Business	**Old Business**
	None (continued)	be taken completely out of the ULDC. Alternatively, it was suggested that a general reference to the fact that agriculture is primarily determined by the Palm Beach County Property Appraiser, according to F.S. 193.461. Staff reiterated the gap between when an owner proposes an agricultural operation and when the bona fide agriculture designation is received. During that "gap" period, does the Town have a role in regulating what is on the property until such time that a bona fide agricultural designation is obtained? **B. Action:** Motion made to recommend that all verbiage that regulates agriculture in any way, or mentions agriculture, other than referencing the Florida Statutes or the land use, is removed from the ULDC. Motion tabled. **C. Comment:** The motion was tabled until the next meeting so that Staff could provide information on the different opinions on agriculture presented in one package for ULDC Committee review.
September 19, 2013	**Subject: Discussion of ULDC Sign Provisions – Article 90** **A. Discussion:** Staff stated the Town Council has had discussions regarding Palms West Plaza, including signs. The owner has indicated that he would like to make changes, including signs in conformance with the original approval conditions and/or the ULDC. Staff was requested to bring pictures and/or drawings illustrating the types of signs that are not permitted by the ULDC. **B. Action:** Motion was made and passed directing Staff to look at different signs and show the Committee pictures and indicate what it liked. **C. Comment:** None	**Subject: Discussion of Agricultural Issues** **A. Discussion:** Staff provided information for the Committee to use as a basis for its recommendations; Matrix with Florida Statutes definitions, Map showing all bona fide ag properties in Town and a listing of Property Appraiser ag use codes;, and copies of all ULDC sections referencing agriculture. No action was requested at this time. Information can be used as a guide to make specific recommendations. **B. Action:** None **C. Comment:** A distinction needs to be made between bona fide agriculture and "hobby agriculture" in terms of how each is addressed in the ULDC.
		Subject: Article 75 Nonconforming Issues **A. Discussion:** Staff suggested that the item be deferred due to time constraints. **B. Action:** Item deferred until the next meeting. **C. Comment:** None
		Subject: Update Flood Insurance Rate Maps and Flood Plain Ordinance **A. Discussion:** One final update will be presented at the next meeting **B. Action:** Item deferred until the next meeting. **C. Comment:** None
		Subject: ULDC Article 87 – Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal **A. Discussion:** Member Voren read his E-Mail dated 8/16/13 into the record regarding invasive tree species into the record. Staff stated that it was working on an ordinance regarding the control and elimination of Brazilian Pepper, Australian Pine or any plant on the State's Class I species list. **B. Action:** None **C. Comment:** None

ULDC Meeting Date	Agenda Item	
	New Business	Old Business
September 19, 2013 (continued)		**Subject: Discussion of Questions for Attorney General's Office (AGO)** **A. Discussion:** Discussion was held on the AGO questions. **B. Action:** Item tabled until next meeting **C. Comment:** None
		Subject: Discussion of Residential Enterprise (Item added to Agenda at meeting) **A. Discussion:** Staff stated that this item had been referred to the Committee for input. Staff summarized the history of the ordinance (deletion of the customer limit), including previous Planning and Zoning Board recommendations (denial of proposed changes) and Council action (failed at second reading). **B. Action:** 1. Motion made and failed to remove the homestead exemption requirement in order to have a home office. 2. Motion made and passed to leave Section 80-20, Paragraph "h" of the ULDC as it was originally stated, and that Mr. Kline seek other alternatives or options that are available to him. **C. Comment:** None
October 3, 2013	None	**Subject: Discussion of Agricultural Issues** A. Discussion: Staff presented a proposed addition to ULDC Section 05-015 (i.e. 05-015 F) regarding agriculture – the Town defers to applicable State Statutes and court precedents. **B. Action:** Motion made and passed to recommend to the Town Council the addition of Section "F" as amended (removal of the language "and associated tax and operational benefits") as an introduction to the ULDC. **C. Comment:** Motion was an amendment to the Staff proposal.
		Subject: Final Update Flood Insurance Rate Maps and Flood Plain Ordinance **A. Discussion:** Staff reported that FEMA had intended to present the Flood Insurance Rate Maps in September. However, due to the number of municipalities planning to submit additional data, the date had been moved back. **B. Action:** None **C. Comment:** None
		Subject: Ordinance 2010-002 Pain Management Clinics **A. Discussion:** The previous Committee motion (8/15/13) was discussed and confirmed. **B. Action:** Motion was made and passed to supplement the previous motion by directing the Town Manager to review what is working for other municipalities and also review State legislation and provide input to the Town Council. **C. Comment:** None
		Subject: Article 75 Nonconforming Issues **A. Discussion:** None **B. Action:** Item tabled until the October 17, 2013 meeting. **C. Comment:** None

ULDC Meeting Date	Agenda Item	
	New Business	Old Business
October 3, 2013 (continued)	None (continued)	**Subject: ULDC Article 87 – Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal** **A. Discussion:** None **B. Action:** Item tabled until the October 17, 2013 meeting. **C. Comment:** None
		Subject: Discussion of Questions for Attorney General's Office (AGO) **A. Discussion:** None **B. Action**: Item tabled until the October 17, 2013 meeting. **C. Comment:** None
		Subject: Discussions of ULDC Sign Provisions – Article 90 **A. Discussion:** None **B. Action:** Item tabled until the October 17, 2013 meeting. **C. Comment:** None
		Subject: Discussion of Residential Enterprise and Home Offices **A. Discussion:** Staff summarized the current status of these issues, including: home office, residential enterprise and historical legacy and gun sales, commencing with Council direction to draft an Agricultural Sales and Services ordinance. Town Council is looking for further direction from the Committee on the issue. **B. Action:** Two motions were made and passed: 1. To recommend to the Town Council that residential enterprise be kept as it is in the code currently. 2. To recommend to the town Council that home occupation be by appointment only and be service based businesses only. **C. Comment:** None
		Subject: Unsafe Structures in Town (item added to Agenda) **A. Discussion:** Staff discussed the current Interlocal Agreement with the County for building permit administration, including inspections. However, the Agreement does not cover existing "unsafe" structures because only a Building Official can declare a structure unsafe – The Town does not have a Building Official. It is unclear whether the Town can hire a Building Official. The Council would like the Committee's input on this issue. **B. Action:** A motion was made and passed that all five alternative methods suggested by Staff to address the issue be considered by the Council, and that the Committee suggests that the option of hiring a private entity to be a full service provider as building official. **C. Comment:** None

October 17, 2013	None	**Subject: Discussion of Agricultural Issues** **A. Discussion:** Staff presented the revised language to ULDC Section 05-015(F). **B. Action:** Three motions made: 1. Motion made and passed to recommend the addition of ULDC Section 05-015(F) to read as follows: "With regard to agriculture land classification and right to farm determinations, the Town defers to applicable State Statutes and court precedents. It is the responsibility of a land owner to understand and qualify for any appropriate agriculture classification." 2. Motion made and passed that, with the exceptions of the recently recommended ULDC Section 05-015(F) and the agricultural references in the land clearing section of the ULDC, that all references to agriculture be removed. 3. Motion made and passed to rely upon State and County regulatory agencies to regulate agriculture to the extent of their authorities. **C. Comment:** None
		Subject: Ordinance 2010-002 Pain Management Clinics **A. Discussion:** Staff stated that the Royal Palm Beach Ordinance does not address the issue of pain management and concludes that the Committee's previous motion is adequate to pass on to town Council. **B. Action:** Agreement with Staff conclusion by consensus. **C. Comment:** None
		Subject: Article 75 Nonconforming Issues **A. Discussion:** Staff presented a draft of revisions to ULDC Article 75 Nonconforming Uses, Structures and Plots. **B. Action:** Two motions were made: 1. Section 75-010. The word "notwithstanding" should be changed to "despite". 2. Article 20 should be renamed to "Rural Residential". **C. Comment:** Several additional wording changes were suggested by individual members, but no action was taken. Section75-035 –Uses as of October 1, 2006 (i.e. Historical Legacies) was forward to the Planning and Zoning Board separately from the balance of Article 75.
		Subject: ULDC Article 87 – Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal A. **Discussion:** None **B. Action:** Postponed **C. Comment:** None
		Subject: Discussion of Questions for Attorney General's Office (AGO) **A. Discussion:** Staff asked whether the Committee wanted to recommend to the Council to have the Town Attorney request an AGO opinion regarding the questions. **B. Action:** None **C. Comment:** None

ULDC Meeting Date	Agenda Item	
	New Business	Old Business
October 17, 2013 (continued)	None (continued)	**Subject: Discussions of ULDC Sign Provisions – Article 90** **A. Discussion:** None **B. Action:** Postponed **C. Comment:** None
		Subject: Discussion of Residential Enterprise and Home Offices **A. Discussion:** Additional information on the subject was provided from Port St. Lucie and Highlands County **B. Action:** Motion made and passed that the Committee had already provided a recommendation on the subject. **C. Comment:** None

Table 2 - ULDC Review Committee Summary of Actions and Recommendations

Subject	Actions and Recommendations Summary
ULDC Article 10 "Definitions" (REF: DAtes)	The Committee reviewed Article 10 at the February, March and April 2013 meetings and recommended that a preamble be added to the ULDC stating that it is the intent of the Code to recognize definitions that exist in the State Constitution and State Statutes as they relate to the Code regulations. The Committee also reviewed Article 10 definitions and identified many that needed further review and potential revision by the Town Council. The list was compiled by Committee consensus, not formal motion.
ULDC Article 75 "Non-Conforming Uses, Structures and Plots""/Hay Sales/Historical Legacies	The Committee reviewed Article 75 at the February, May and October 2013 meetings. There was discussion regarding who (Staff or Council) should make the initial determination of non-conformity. Committee consensus was that staff should make the determination with a provision for appeal to the Council. The Committee requested that Article 75 be reviewed by staff, including proposed text revisions. Proposed text revisions to Article 75 were presented to the Committee, and some additional revisions recommended. The Committee forwarded Section 75-035 "Uses as of October 1, 2006 (i.e. Historical Legacies) to the Planning and Zoning Board separately from the balance of Article 75 which needs additional review. The concept of Historical Legacy was first discussed under the agenda item of "Hay Sales". The Committee recommended that the concept of "Historical Legacy" and the grandfathering of existing businesses concept in the proposed "Hay Sales" ordinance be incorporated within revisions to ULDC Section 75-035, consistent with Council direction. The Committee also recommended that "Historical Legacy" businesses require special exception approval under proposed revisions to Article 170 "Special Exceptions".
ULDC Sections 80-015 "Home Occupations and 80-020 "Residential Enterprise"	The Committee reviewed Sections 80-015 and 80-020 at the September and October 2013 meeting at the direction of Town Council. The Committee recommended that Section 80-20(H) "Clients or customers" remain as currently written (i.e. no client or customer shall be allowed on the premises of a Residential Enterprise.) No recommendations made on Home Occupations.
ULDC Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotics Removal"	The Committee reviewed Article 87 at the June and September 2013 meetings. Staff stated concerns over typos in the Article and other issues, including the clearing of a property for proposed agricultural uses prior to receiving a bona fide agriculture land use classification from the Property Appraiser. Staff stated that it is working on an ordinance stating that Brazilian Pepper, Australian Pine or any plant listed on the Class 1 plant species list is not permitted within 10 feet of District or Town rights-of-way and that the Town would remove such plants once and then property owners are responsible to make sure that they don't return.

Subject	Actions and Recommendations Summary
ULDC Article 90 "Signs"	The Committee discussed Article 90 at the September 2013 meeting. Staff and Council had discussions regarding Palms West Plaza, including signs. The owner has stated that he would like to make changes to the site, including signs in conformance with original approval conditions and/or the ULDC. The Committee asked Staff to bring pictures of different types of signs for their review and consideration
ULDC Article 170 "Special Exception Uses"	The Committee reviewed Article 75 at the January, April, May and June meetings, including proposed staff and Committee revisions. The following recommendations were made by the Committee: 1. Approve changes to Article 170, as recommended by staff, with the following changes subject to legal review and Town Council approval: a. Section 170-010: Tents for private personal use should be a Category b. Special Exception. Add a list of events/items that are exempted or under Category B. Include wording that private events for a period of 24 hours would require only minimum notification. c. Section 170-015: Add wording for exemptions that would grant an exemption for private events lasting less than 24 hours. d. Section 170-015©: Clarify that the layout is to be prepared by the applicant and Zoning Confirmation letter is prepared by Staff. e. Section 170-020(B): Change the last line – notification "to" the Town Council, not "of" f. Section 170-040(C): Change two-year waiting period to one-year waiting period. 2. Approve Section 115-010 Table of Public Notice Requirements, as recommended by staff, subject to any changes that may need to be made by legal review. 3. Approve uses on the table entitled "Recommended Special Exception Categories by Zoning District" with the exception that commercial equestrian operations are not required to obtain Special Exception approval. Rather, commercial equestrian operations are to be listed in the AR District as a permitted principal use. 4. The ULDC Review Committee should review the mobile home issue in terms of the Special Exception categories created by proposed changes to Article 170.

Subject	Actions and Recommendations Summary
Ordinance 2010-02 "Pain Management Clinics"	The Committee discussed Ordinance 2010-02 at the June, July, August, and October 2013 meetings. Staff stated that Ordinance 2010-02 declared a moratorium and zoning in progress on pain management clinics. The Ordinance directed Town Administration to analyze potential effects of clinics in Town. The Committee recommended that pain management clinics be allowed only as an accessory use to a full-service medical facility, if such an action is legal. The Committee further recommended: 1. That the Council research what the County is doing on the issue to insure consistency. 2. That Staff review what is working in other municipalities and review state legislation and provide input to the Council.
Agriculture	The Committee discussed the topic of Agriculture at the June, July, August, September and October 2013 meetings. There have been recent changes in state legislation regarding the local regulation of agricultural uses and how the Property Appraiser assigns an agricultural use classification (i.e. Bona fide agriculture designation) to individual properties. As a result, there was considerable interest in whether or not the Town has the right to: (1) regulate agriculture prior to the time that a property receives an agricultural classification from the Property Appraiser; and (2) regulate agricultural uses that have not received an agricultural classification. Staff questioned whether or not Town review procedures should be in place to regulate non-Bona fide agriculture and potential Bona fide agriculture uses that have not yet received the Property Appraiser classification. The example of speculative land clearing was raised as a case in point. A motion was made, but not passed, that all references to agriculture be deleted from the Town ULDC. In response, and so that the Committee would fully understand such an action, Staff prepared inventories of: (1) Florida Statutes sections that address agriculture; and (2) all current Town ULDC references to agriculture. The inventories can to be used as a guide by the Committee in fully understanding any consequences of making specific deletions. Staff presented the Town ULDC inventory in the form of a questionnaire that could be used by the Committee to make specific ULDC agriculture-related text amendments. The Committee made the following recommendations: 1. Add Subsection (F) to Section 05-015 "Enforcement, Interpretation, Purpose and Intent" of the Town ULDC to read as follows: "(F) With regard to agriculture land classification and right to farm determinations, the Town defers to applicable State Statutes and court precedents. It is the responsibility of a land owner to understand and qualify for any appropriate agricultural land classification."

Subject	Actions and Recommendations Summary
Agriculture (continued)	2. With the exceptions of the addition of Subsection 05-015(F), above, and the agricultural references in Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotics Removal" all references to agriculture should be removed from the ULDC. 3. State and County regulatory agencies, to the extent of their authority, should be relied upon to regulate agriculture in the Town.

Table 2 - ULDC Review Committee Summary of Actions and Recommendations

Subject/Meetings	Actions and Recommendations Summary
ULDC Article 10 "Definitions" Meetings: February, March and April.	The Committee reviewed Article 10 at the February, March and April 2013 meetings and recommended that a preamble be added to the ULDC stating that it is the intent of the Code to recognize definitions that exist in the State Constitution and State Statutes as they relate to the Code regulations. The Committee also reviewed Article 10 definitions and identified many that needed further review and potential revision by the Town Council. The list was compiled by Committee consensus, not formal motion.
ULDC Article 75 "Non-Conforming Uses, Structures and Plots"/Hay Sales/Historical Legacies Meetings: February, May and October	The Committee reviewed Article 75 at the February, May and October 2013 meetings. There was discussion regarding who (Staff or Council) should make the initial determination of non-conformity. Committee consensus was that staff should make the determination with a provision for appeal to the Council. The Committee requested that Article 75 be reviewed by staff, including proposed text revisions. Proposed text revisions to Article 75 were presented to the Committee, and some additional revisions recommended. The Committee forwarded Section 75-035 "Uses as of October 1, 2006 (i.e. Historical Legacies) to the Planning and Zoning Board separately from the balance of Article 75 which needs additional review. The concept of Historical Legacy was first discussed under the agenda item of "Hay Sales". The Committee recommended that the concept of "Historical Legacy" and the grandfathering of existing businesses concept in the proposed "Hay Sales" ordinance be incorporated within revisions to ULDC Section 75-035, consistent with Council direction. The Committee also recommended that "Historical Legacy" businesses require special exception approval under proposed revisions to Article 170 "Special Exceptions".
ULDC Sections 80-015 "Home Occupations and 80-020 "Residential Enterprise" Meetings: September and October	The Committee reviewed Sections 80-015 and 80-020 at the September and October 2013 meetings at the direction of Town Council. The Committee recommended that Section 80-20(H) "Clients or customers" remain as currently written (i.e. no client or customer shall be allowed on the premises of a Residential Enterprise.) No recommendations made on Home Occupations.

Subject/Meetings	Actions and Recommendations Summary
ULDC Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotics Removal" Meetings: June and September	The Committee reviewed Article 87 at the June and September 2013 meetings. Staff stated concerns over typos in the Article and other issues, including the clearing of a property for proposed agricultural uses prior to receiving a bona fide agriculture land use classification from the Property Appraiser. Staff stated that it is working on an ordinance stating that Brazilian Pepper, Australian Pine or any plant listed on the Class 1 plant species list is not permitted within 10 feet of District or Town rights-of-way and that the Town would remove such plants once and then property owners are responsible to make sure that they don't return.
ULDC Article 90 "Signs" Meetings: September	The Committee discussed Article 90 at the September 2013 meeting. Staff and Council had discussions regarding Palms West Plaza, including signs. The owner has stated that he would like to make changes to the site, including signs in conformance with original approval conditions and/or the ULDC. The Committee asked Staff to bring pictures of different types of signs for their review and consideration
ULDC Article 170 "Special Exception Uses" Meetings: January, April, May and June	The Committee reviewed Article 75 at the January, April, May and June meetings, including proposed staff and Committee revisions. The following recommendations were made by the Committee: 1. Approve changes to Article 170, as recommended by staff, with the following changes subject to legal review and Town Council approval: a. Section 170-010: Tents for private personal use should be a Category b. Special Exception. Add a list of events/items that are exempted or under Category B. Include wording that private events for a period of 24 hours would require only minimum notification. c. Section 170-015: Add wording for exemptions that would grant an exemption for private events lasting less than 24 hours. d. Section 170-015©: Clarify that the layout is to be prepared by the applicant and Zoning Confirmation letter is prepared by Staff. e. Section 170-020(B): Change the last line – notification "to" the Town Council, not "of" f. Section 170-040(C): Change two-year waiting period to one-year waiting period. 2. Approve Section 115-010 Table of Public Notice Requirements, as recommended by staff, subject to any changes that may need to be made by legal review. 3. Approve uses on the table entitled "Recommended Special Exception Categories by Zoning District" with the exception that commercial equestrian operations are not required to obtain Special Exception approval. Rather, commercial equestrian operations are to be listed in the AR District as a permitted

ULDC Article 170 "Special Exception Uses" (continued)	principal use. 4. The ULDC Review Committee should review the mobile home issue in terms of the Special Exception categories created by proposed changes to Article 170.

Subject/Meetings	Actions and Recommendations Summary
Ordinance 2010-02 "Pain Management Clinics" Meetings: June, July, August and October	The Committee discussed Ordinance 2010-02 at the June, July, August, and October 2013 meetings. Staff stated that Ordinance 2010-02 declared a moratorium and zoning in progress on pain management clinics. The Ordinance directed Town Administration to analyze potential effects of clinics in Town. The Committee recommended that pain management clinics be allowed only as an accessory use to a full-service medical facility, if such an action is legal. The Committee further recommended: 1. That the Council research what the County is doing on the issue to insure consistency. 2. That Staff review what is working in other municipalities and review state legislation and provide input to the Council.
Agriculture Meetings: June, July, August, September and October	The Committee discussed the topic of Agriculture at the June, July, August, September and October 2013 meetings. There have been recent changes in state legislation regarding the local regulation of agricultural uses and how the Property Appraiser assigns an agricultural use classification (i.e. Bona fide agriculture designation) to individual properties. As a result, there was considerable interest in whether or not the Town has the right to: (1) regulate agriculture prior to the time that a property receives an agricultural classification from the Property Appraiser; and (2) regulate agricultural uses that have not received an agricultural classification. Staff questioned whether or not Town review procedures should be in place to regulate non-Bona fide agriculture and potential Bona fide agriculture uses that have not yet received the Property Appraiser classification. The example of speculative land clearing was raised as a case in point. A motion was made, but not passed, that all references to agriculture be deleted from the Town ULDC. In response, and so that the Committee would fully understand such an action, Staff prepared inventories of: (1) Florida Statutes sections that address agriculture; and (2) all current Town ULDC references to agriculture. The inventories can to be used as a guide by the Committee in fully understanding any consequences of making specific deletions. Staff presented the Town ULDC inventory in the form of a questionnaire that could be used by the Committee to make specific ULDC agriculture-related text amendments.

Agriculture (continued)	The Committee made the following recommendations: 1. Add Subsection (F) to Section 05-015 "Enforcement, Interpretation, Purpose and Intent" of the Town ULDC to read as follows: "(F) With regard to agriculture land classification and right to farm determinations, the Town defers to applicable State Statutes and court precedents. It is the responsibility of a land owner to understand and qualify for any appropriate agricultural land classification." 2. With the exceptions of the addition of Subsection 05-015(F), above, and the agricultural references in Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotics Removal" all references to agriculture should be removed from the ULDC. 3. State and County regulatory agencies, to the extent of their authority, should be relied upon to regulate agriculture in the Town.

SUPPLEMENTAL INFORMATION

ULDC RESOLUTIONS

2012-19

2014-03

MEETING MINUTES

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2012-19

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE CREATION OF THE "UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE"; PROVIDING FOR DUTIES OF THE COMMITTEE; PROVIDING FOR THE METHOD OF APPOINTMENT OF COMMITTEE MEMBERS; PROVIDING FOR COMPLIANCE WITH FLORIDA'S SUNSHINE LAW AND PUBLIC RECORDS LAW; PROVIDING FOR PROCEDURAL MATTERS OF THE COMMITTEE; PROVIDING FOR SUNSETTING OF THE COMMITTEE; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, it is the desire of the Town Council of the Town of Loxahatchee Groves, Florida, to create the "Unified Land Development Code Review Committee" to review the Town's Unified Land Development Code (ULDC) to advise the Town Council as to suggested revisions to the ULDC; and

WHEREAS, the primary responsibilities of the Town's Unified Land Development Code Review Committee will be to conduct public meetings and workshops to review issues relating to the ULDC, and provide recommendations to the Town's Planning and Zoning Board, which sits as the Town's Local Planning Agency, and the Town Council, for changes to the ULDC; and

WHEREAS, the Town Council desires to encourage full participation by all residents of Loxahatchee Groves who are interested in being appointed to the Town's Unified Land Development Code Review Committee; and

WHEREAS, the Town Council desires to enact procedures by which the individual Council Member's appoint members to the Unified Land Development Code Review Committee; and

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2012-19

WHEREAS, the Town Council determines that the creation of the Unified Land Development Code Review Committee is in the best interests of the residents of the Town.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves, Florida, as follows:

Section 1. That the foregoing "WHEREAS" clauses are confirmed and ratified as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Council hereby establishes the Town's "Unified Land Development Code Review Committee" as follows:

I. **Creation of the "Unified Land Development Code Review Committee."** There is created the Unified Land Development Code Review Committee to act as an advisory board to the Town Council, as follows:

(A) Membership. The Committee shall be comprised of five (5) voting members, to be appointed by individual Town Council Members. The members shall serve at the pleasure of the Town Council. The terms of the voting members shall run concurrently with the term of the Council Member who nominated the voting member to the Committee.

(B) Qualifications. Each member of the Unified Land Development Code Review Committee shall be an elector of the Town.

(C) Duty. The Unified Land Development Code Review Committee's duty is to review and provide recommendations on changes to the Town's currently adopted Unified Land Development Code, consistent with direction from the Town Council.

(D) An attendance requirement shall be imposed on all members of the Unified Land Development Code Review Committee. Unless excuse of absence is granted by the Unified Land Development Code Review Committee, a member of the Unified Land Development Code Review Committee shall be removed by the Town Council if he/she has missed three (3) consecutive meetings of the Committee.

(E) Committee members, and/or companies or employers in which the members have a direct financial interest, shall not do business with the Town, in accordance with Florida Statutes 112.313, and pertinent opinions of the Florida Commission on Ethics. If any member of the Committee finds that his/her personal interests are involved in any matter coming before the Town Council, he/she shall disqualify himself/herself from all participation in the matter.

(F) If a regular member of the Unified Land Development Code Review Committee resigns or is removed from his or her position, the nominating Council Member shall appoint the replacement.

II. Advisory Only. The actions, decisions, and recommendations of the Unified Land Development Code Review Committee shall be advisory only.

III. Meetings, Dates, Procedures, Records, Quorum, and Compensation.

(A) The Unified Land Development Code Review Committee shall hold an organizational meeting within thirty (30) days following the appointment by the Town Council of the members of the Unified Land Development Code Review Committee. The Unified Land Development Code Review Committee shall elect a Chair and Vice Chair at such organizational meeting.

(B) The Unified Land Development Code Review Committee shall meet on a regular or as-needed basis, as determined by the Town Manager.

(C) All meetings, records and files of the Unified Land Development Code Review Committee shall be open and available to the public, consistent with Chapter 119, Florida Statutes (the Public Records Law) and Chapter 286, Florida Statutes (the "Sunshine Law"). In addition, members of the Unified Land Development Code Review Committee shall ensure that their actions are in compliance with Chapter 119, Florida Statutes (the "Public Records Law") and Chapter 286, Florida Statutes (the "Sunshine Law").

(D) Notice for any meeting of the Unified Land Development Code Review Committee shall be posted in accordance with Chapter 286, Florida Statutes (the "Sunshine Law") and on the Town's website and at the Town Office no later than 24 hours prior to the scheduled meeting.

(E) Three (3) members in attendance shall constitute a quorum of the Unified Land Development Code Review Committee.

(F) The Town Manager or his\her designee shall act as secretary to the Unified Land Development Code Review Committee, and be responsible for attending all meetings and providing the items necessary for conducting meetings, as requested by the Chair, and for recording and preparation of meeting minutes. The Town Attorney or his\her designee shall act as attorney for the Unified Land Development Code Review Committee, on an as-needed basis.

(G) Town staff will reasonably provide adequate support to the Committee to discharge its responsibilities as assigned by the Town Council.

(H) Members of the Unified Land Development Code Review Committee shall serve without compensation for the performance of their duties.

Section 3. Sunset of the Unified Land Development Review Committee. Unless extended by the adoption of a Resolution by the Town Council, the Unified Land Development Code Review Committee shall complete its work and cease to exist as of December 31, 2013.

Section 4. Severability. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated, and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5. Conflicts. All Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 6. Effective Date. This Resolution shall take effective immediately upon its adoption.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2012-19

ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, FLORIDA, this 20th day of November, 2012.

ATTEST:

TOWN CLERK

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

TOWN OF LOXAHATCHEE GROVES, FLORIDA

Mayor David Browning

Vice Mayor Jim Rockett

Council Member

Council Member

Council Member

MDC

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TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE USE OF LIVESTOCK WASTE WITHIN THE TOWN; AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE BY AMENDING PART III ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 50 ENTITLED "PUBLIC NUISANCES" BY ADDING A NEW SECTION 50-035 TO BE ENTITLED "USE OF LIVESTOCK WASTE;" PROVIDING FOR DEFINITIONS; PROVIDING THAT THE USE OF LIVESTOCK WASTE IS A PUBLIC NUISANCE EXCEPT AS PROVIDED BY THIS SECTION; PROVIDING FOR REGISTRATION AND PERMITS, REQUIREMENTS AND LIMITATIONS ON THE DELIVERY AND USE OF LIVESTOCK WASTE; PROVIDING FOR REPORTING AND NOTICE REQUIREMENTS; PROVIDING FOR REVOCATION OF PERMITS AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 6, 2010, the Town Council of the Town of Loxahatchee Groves adopted Ordinance 2010-003, to provide requirements for permits by landowners and transporters of manure and horse bedding (livestock waste) in the Town; and,

WHEREAS, on April 3, 2012, the Town Council adopted Ordinance 2012-03, which amended and restated Ordinance 2010-03, to provide for properties eligible to receive manure and horse bedding materials (livestock waste), amend permit requirements and provide regulations on how such materials are used on eligible properties; and,

WHEREAS, the Town Council has heard concerns from Town Management and the public relating to the current permitting process and continued abuses by commercial haulers, and property owners, for dumping manure and horse droppings (livestock waste) on properties within the Town; and,

WHEREAS, the Town Council continues to be concerned with water quality within the drainage canals in the Town, and has heard from residents with scientific and academic backgrounds that raised phosphorous levels are possible from continued abuse of livestock waste dumping by commercial haulers, and property owners, within the Town; and,

WHEREAS, the Town Council believes that increased equestrian activities in neighboring municipalities during certain periods of time each year causes commercial haulers of livestock waste originating on facilities in those areas to seek out places in close proximity to those communities to dump their loads and avoid expenses and perhaps industry regulations associated with taking such loads to facilities designed to accept such; and,

WHEREAS, the Town Council believes that when used properly and in limited quantities, livestock waste can provide agricultural benefits, and thus a total ban on the delivery of livestock waste is not in the best interest of the community; and,

WHEREAS, on the other hand, improper disposal and use of Livestock Waste is a public nuisance, causing pollution concerns, attracting flies and emanating odors to nearby properties; and

WHEREAS, the Town Council seeks to balance permitting the limited and beneficial use of livestock waste with avoiding nuisances created by abuses associated with the dumping of such materials within the Town; and,

WHEREAS, the Town believes that given the limited beneficial use of livestock waste, it is fair and reasonable to require property owners of property on which livestock waste is to be deposited for use for agricultural purposes to obtain a permit from the Town so that public nuisances can be avoided and the Town can effectively enforce regulations and laws intended to prevent illegal dumping of livestock waste and prevent pollution.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section I. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof. Ordinance 2012-03 is superceded as set forth herein.

Section 2. The Town's Unified Land Development Code (ULDC) is amended to amend Part III, entitled "Supplemental Regulations," Article 50, entitled "Public Nuisance," to create a new Section 50-035, to be entitled "Use of Livestock Waste," to read as follows:

PART III – SUPPLEMENTAL REGULATIONS

ARTICLE 50 – PUBLIC NUISANCES

Section 50-035. – Use of Livestock Waste.

(A) Definitions. All terms shall have the meanings set forth in Section 10-015 of the Unified Land Development Code, except as defined herein. The following definitions shall apply to this Section:

1. *Approved disposal site*: A real property for which a Town, county or state registration or permit has been issued for the disposal and/or processing of livestock waste, as amended from time to time, and/or a plot of land that is conducting bona fide agricultural activities in accordance with F.S. § 193.461.
2. *Bona fide agricultural purposes*: means farming, pasture, grove, or forestry operations, including horticulture, floriculture, viticulture, dairy, livestock, poultry, bee and aquaculture, consistent with Section 823.14, Florida Statutes (Right to Farm) and Section 570.02, Florida Statutes (Agriculture).
3. *Commercial livestock waste hauler*: Person(s), firm(s), corporation(s), or other legal entit(ies) permitted by the Town to provide livestock waste removal services for a fee within the Town in accordance with terms and conditions established by this ordinance.
4. *Composting:* The process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner within a period of 90 days.
5. *Hauler*: when used herein, collectively Commercial Livestock Waste Hauler and Livestock Waste Self-Haulers.

6. *Livestock*: Grazing animals, such as cattle, horses, sheep, goats, other ruminants, swine, ostriches, emus and rheas, which are used for private use or commercial purposes, or as defined by F.S. § 585.01, as may be amended from time to time.
7. *Livestock facility*: Property under single ownership or control where livestock is raised and or boarded.
8. *Livestock waste*: Wastes composed of excreta of animals and residual materials that have been used for bedding, sanitary, or feeding purposes for such animals. For purposes of this article, livestock waste that has been properly composted shall not be considered livestock waste.

(a) *Livestock waste self-hauler*: Property owner or authorized representative providing Livestock waste removal services from their own property within the Town, or delivering Livestock waste to their own property within the Town from a location within the Town, for personal use only by the owner or tenant of the receiving property, using a vehicle with a capacity no greater than ten (10) cubic yards.

9. *Livestock waste storage area*: An area constructed of impermeable material such as concrete or asphalt; with an impermeable cover; or a mechanical storage container that can be sealed, lifted, and transported.
10. *Load*: approximately twenty (20) to twenty-five (25) cubic yards of Livestock Waste.
11. *Public Nuisance:* the unreasonable, unwarranted and/or unlawful activity and/or use of property, which causes inconvenience or damage to others, either to individuals and/or to the general public.

(B) The deposit, dumping, and/or use of Livestock Waste, unless done in strict compliance with this Section is declared to be a public nuisance and is prohibited.

(C) A property owner must obtain a permit from the Town prior to accepting any Livestock Waste on the property. A property owner may have only one permit at a time. An annual permit shall be valid from October 1 to September 30, and shall expire each September 30 regardless of the date it is issued. Property owners are responsible for the timely renewal of the annual permits.

(D) The requirements for the permit required by subsection (C) are as follows:

1. With the exception of a Town Manager-approved permit for residential property hereinafter provided, the property on which the Livestock waste is to be deposited must be designated as agricultural by the Palm Beach County Tax Collector for property tax purposes; provided that when a property owner applies for the first

time to the Town for a permit, the property owner may obtain its initial permit notwithstanding not having the agricultural use tax designation when the property owner has filed an application with the Palm Beach Tax Collector for an agricultural use property tax designation and certifies to the Town Manager that the property owner is making a good faith effort to obtain the agricultural use tax designation as soon as possible. This exception shall apply only for the initial permit. No subsequent permits may be issued until the property obtains the agricultural use tax designation. Property owners of property designated as residential by the Palm Beach County Tax Collector may obtain a permit from the Town Manager when the property owner of the residential property demonstrates to the Town Manager that the Livestock Waste is solely for bona fide agricultural purpose on-site. The Town Manager shall advise the Town Council of all permits approved for residential properties.

2. The permit will be in the name of the record owner of the property. The property owner must be the applicant for the permit.

3. The property owner shall certify at the time of application that the Livestock Waste originates from within the Town or is shown by the filing of an affidavit by the property owner that it originated from outside the State of Florida.

4. The property owner must certify at the time of application tthat the Livestock Waste is being used by the property owner for bona fide agricultural purposes in appropriately limited quantities pursuant to Best Management Practices (BMP) or guidelines published by the Florida Department of Environmental Protection for

the application of Livestock Waste (published guideline). The property owner shall provide the Town with a copy of the applicable BMP or published guideline.

5. The property owner must advise the Town at the time of application tof the total quantity of Livestock Waste to be delivered to the property and its intended use.

6. The property owner must identify whether he or she will be a Livestock Waste Self-Hauler, will use a Commercial Livestock Waste Hauler, or both. In the event a property owner intends to use a Commercial Livestock Waste Hauler, the property owner must identify the Commercial Livestock Waste Hauler, and the Commercial Livestock Waste Hauler must have a permit from the Town and be in compliance with the Town's ordinances at all times during the effectiveness of the owner's permit. A permit issued to a property owner pursuant this Section limits the property owner to using only one (1) Commercial Livestock Waste Hauler. The property owner must advise the Town in writing of a change in the Commercial Livestock Waste Hauler prior to receiving any Livestock Waste from the new Commercial Livestock Waste Hauler.

7. The acceptance of a permit by the property owner shall provide consent for a Town representative to inspect the property solely for purposes of ensuring compliance with the terms of the permit.

8. There shall be no charge for a Property Owner Permit.

9. The Town may request copies of permits and licenses for the designated Commercial Livestock Waste Hauler, as well as drawings or layouts of the property to verify that the Livestock Waste shall be deposited and used in compliance with this Section 50-035.

(E) The deposit of Livestock Waste is permitted only on Approved disposal sites within the Town.

(F) Only Livestock Waste that originates from within the Town or is shown by the filing of an affidavit by the property owner that it originated from outside the State of Florida may be deposited on property within the Town.

(G) Delivery of Livestock Waste by Commercial Livestock Waste Haulers shall be permitted only between the hours of 9:00 am through 4:00 pm, Monday through Friday, except holidays as listed on the Town website. Delivery of Livestock Waste by Commercial Livestock Waste Haulers is prohibited at all other times. Delivery must also be avoided during storm events, or when the ground is saturated.

(H) The Property Owner may accept a maximum of ten (10) loads pursuant to the Permit, with a maximum of four (4) loads in a calendar month.

(I) The Property Owner shall ensure that its Hauler does not dump Livestock Waste:

a. within fifty (50) feet of the property line, or such other distance in this subsection (I), whichever is greater;

b. within two hundred (200) feet of any well or other private potable water source, provided that the distance shall be three hundred (300) feet from the private potable water source if the private potable water source is located down slope from the Livestock Waste dumping site. These distances apply whether the water source is on the property or beyond the property;

c. within five hundred (500) feet from a potable community well or water source. This distance applies whether the surface water is on the property or beyond the property;

d. Within fifty (50) feet from surface waters where the site is level and has vegetative cover, or one hundred (100) feet if the soil surface slopes towards the water source or is void of vegetative cover. These distances apply whether the water source is on the property or beyond the property.

(J) The Property Owner shall spread the Livestock Waste in accordance with BMP or published guidelines within seventy-two (72) hours of receipt of the materials. Upon receiving notice from the Town of flies, odors or other adverse effects, affecting neighbors, the Livestock Waste shall be immediately spread by the Property Owner. Property Owners are required to use appropriate equipment to properly spread Livestock Waste.

(K) Livestock Waste shall not be spread or otherwise applied:

a. within fifty (50) feet of the property lines or such other distance in this subsection (K), whichever is greater;

b. within two hundred (200) feet of any well or other private potable water source, provided that the distance shall be three hundred (300) feet from the private potable water source if the private potable water source is located down slope from the Livestock Waste dumping site. These distances apply whether the water source is on the property or beyond the property;

c. within five hundred (500) feet from a potable community well or water source. This distance applies whether the surface water is on the property or beyond the property;

d. Within fifty (50) feet from surface waters where the site is level and has vegetative cover, or one hundred (100) feet if the soil surface slopes towards the

water source or is void of vegetative cover. These distances apply whether the water source is on the property or beyond the property.

(L) Crops should be planted as soon as possible after spreading, but in no case later than ninety (90) days after spreading. A failure to timely plant crops shall result in a revocation of the permit and the property owner shall not be eligible for a new permit for a period of one (1) year from the date of revocation.

(M) The use of Livestock Waste as fill on property is strictly prohibited.

(N) The property owner shall post a sign at the entrance on the property at the location where deliveries are received with a contact telephone number for neighbors to be able to contact the property owner about concerns with the delivery and/or use of Livestock Waste on the property.

(O) Delivery Records shall be provided by property owners to the Town Manager each month, no later than the fifth (5th) business day of the month following the month for which the report is filed. The Delivery records shall identify the waste source, quantity in cubic yards, and the bona fide agricultural use of the Livestock waste. Failure to provide monthly delivery records shall result in the revocation of the permit. The Town reserves the right to audit the delivery records and request records from the Commercial Livestock Waste Hauler that delivered the Livestock Waste to the property. The failure to cooperate with such audit shall result in the revocation of a permit.

(P) The Town Council reserves the right to amend this Ordinance at any time, and any such amendments will apply to both future permits and active permits unless specifically exempted by the Town Council.

(Q) Violations of this ordinance shall result in a revocation of a permit by the Town Manager. Violations of this ordinance by a permit holder's designated Commercial Livestock Waste Hauler shall be a violation by the permit holder. Should a person violate this ordinance on more than one (1) occasion during a calendar year, that person shall not be granted a permit from the Town for a period of one (1) calendar year from the date of the last violation.

(R) A violation of this ordinance is deemed by the Town Council to be a public nuisance.

(S) The Town Council specifically finds that a violation of this ordinance presents a public nuisance for purposes of enforcement of Section 403.413, Florida Statutes, and law enforcement officers charged with the enforcement of state and local laws within the Town shall strictly enforce Section 403.413, Florida Statutes. Upon the issuance of a violation notice under Section 403.413, Florida Statutes, or this ordinance, any permits issued by the Town to the property owner shall be suspended and the property owner shall cease accepting Livestock Waste until such time as a hearing is conducted or the fines paid.

(T) In addition to enforcement pursuant to Section 403.413, Florida Statutes, this ordinance shall be enforced as follows:

(1) Law enforcement officers are authorized to enforce this ordinance. In addition to penalties resulting from a violation of Section 403.413, Florida Statutes, the fines for violations of this ordinance shall be:

First Offense	**Second Offense**	**Third Offense**	**All Additional Offenses**
$350	$400	$450	$500

(2) The Town may also file charges for any offense in a court with jurisdiction, in which case the penalty shall be a fine of $500, imprisonment not to exceed sixty (60) days, or both, for each violation of this ordinance. The Town shall recover its costs of prosecution, including attorney's fees, filing fees, and personnel costs for law enforcement and Town employees.

(3) To the extent authorized by law, the Town Administration is authorized to use the Town's Code Enforcement process to enforce violations of this ordinance where a law enforcement officer has not otherwise issued violations of Section 403.413, Florida Statutes, or of this ordinance. In such instances, the fine shall be the maximum permitted by law. The Town shall recover its costs of prosecution, including attorney's fees, filing fees, and personnel costs for law enforcement and Town employees.

(4) Each day a violation remains, and each delivery by a Commercial Livestock Waste Hauler for which there is no permit, constitutes a separate violation of this ordinance.

(U) Nothing in this ordinance is to be construed to permit a Solid Waste Management Facility in conflict with Town state and county regulations.

Section 3. **Effect on Ordinance 2012-03.** The provisions herein as to regulations for Property Owners for delivery and use of Livestock Waste, referred to in Ordinance 2012-03 as "manure and horse bedding," supersede and replace regulations as to delivery and use of Livestock Waste on properties within the Town in Ordinance 2012-03.

Section 4. **Repeal of Laws in Conflict.** All Ordinances or part of Ordinances in conflict herewith are in the same are hereby repealed to the extent of such conflict.

Section 5. **Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 6. **Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ___ DAY OF _____, 2014.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS _____ DAY OF _____, 2014.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

_____
Mayor David Browning

_____
TOWN CLERK

_____
Vice Mayor

_____
Council Member

APPROVED AS TO LEGAL FORM:

_____
Council Member

_____
Office of the Town Attorney

_____
Council Member

MDC / (rev 05/15/2014)

Mayor David Browning, Seat 4
Vice Mayor Jim Rockett, Seat 2
Council Member Tom Goltzené, Seat 5
Council Member Ronald D. Jarriel, Seat 1
Council Member Ryan Liang, Seat 3

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Wednesday, January 30, 2013 at 7:00 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Member Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Virginia Standish
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planner Jim Fleischmann
Town Planning Technician Braeden Garrett

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA

1. OPENING

a. Call to Order – *Town Manager Kutney*

b. Roll Call – *Town Clerk Eichhorn*

2. REGULAR AGENDA

a. Election of Chair and Vice Chair
b. Presentation of Legal Requirements – *Town Attorney Stacey Weinger*
c. Overview of Committee Functions – *Town Manager Kutney*
d. Setting of Next Meeting Date and Time
e. Review of ULDC Articles:
    1. Article 170 Special Exception Uses

2. Article 75 Nonconforming Uses, Structures and Plots

3. PUBLIC COMMENT

4. CLOSING & ADJOURNMENT

The next meeting of the Unified Land Development Code Review will be held on
_____ *(This will be included on all future agendas)*

Comments Cards: Anyone from the public wishing to address the ULDCRC 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 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 ULDCRC 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.

Mayor David Browning, Seat 4
Vice Mayor Jim Rockett, Seat 2
Council Member Tom Goltzené, Seat 5
Council Member Ronald D. Jarriel, Seat 1
Council Member Ryan Liang, Seat 3

Florida's Last Frontier

Town of
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Unified Land Development Code Review Committee

Wednesday, January 30, 2013 at 7:00 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Member Katie Davis
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Committee Member Virginia Standish
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

MINUTES

1. OPENING

a. Call to Order – *Town Manager Kutney*

The meeting was called to order by Town Manager Kutney at 7:00 p.m.

b. Roll Call – *Town Clerk Eichhorn*

Upon roll call, those present were Committee Members Katie Davis, Beck Hyslop, John Ryan, Virginia Standish, and Howard Voren. Also present were: Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, Town Planning Technician Braeden Garrett, and Town Clerk Susan Eichhorn.

2. REGULAR AGENDA

a. Election of Chair and Vice Chair

Committee Member Voren nominated Virginia Standish as Chair. The motion was seconded by Committee Member Hyslop, and carried unanimously.

Committee Member Hyslop nominated Katie Davis as Vice Chair. The motion was seconded by Chair Standish. The motion carried unanimously.

b. Presentation of Legal Requirements – *Town Attorney Stacey Weinger*

Acting Town Attorney Stacey Weinger presented a power point presentation regarding the Sunshine Law. She responded to questions from the committee members.

c. Overview of Committee Functions – *Town Manager Kutney*

Town Manager Kutney provided a brief overview of the committee functions.

d. Setting of Next Meeting Date and Time

After discussion, it was the consensus of the Committee to set the meeting for the third Thursday of each month, at 5:00 p.m., to be held at the Central Palm Beach County Chamber of Commerce, 13901 Southern Blvd., Loxahatchee, Florida 33470.

Further discussion included the following items:

- Setting a time limit of two hours, and then take a vote to see if it will go beyond that.
- Publicizing that any member of the public can provide information to any committee member to bring up at the meetings.
- Quarterly updates of Committee recommendations to the Town Council, to be provided by Town Manager Kutney.
- The process that Committee recommendations would advise The Town Council on the ULDC, but any amendments must go to the Planning and Zoning Commission. Mr. Kutney will give the Town Council verbal reports, and then if the town Council is fine with those recommendations, it will be sent to the Planning and Zoning Board for consideration.
- The public can provide staff with any comments regarding recommendations of the ULDC Review Committee, and staff will compile them and bring them back at the next meeting of the ULDC Review Committee.

- ULDC Review Committee members accessing the Palm Beach County ULDC that was in effect prior to the Town ULDC.

- Adopting the process of having staff present, take public comment, close public comment, and then the Committee would deliberate.

e. Review of ULDC Articles:
   1. Article 170 Special Exception Uses
   2. Article 75 Nonconforming Uses, Structures and Plots

After discussion, Chair Standish passed the gavel, and made a motion that the Committee proceed through each Agenda, the meeting would then go on You Tube; the public could provide comments to staff, and staff would compile them and provide them at the next Committee meeting. The motion was seconded by Committee Member Hyslop and carried unanimously.

After discussion, Town Manager Kutney explained that whatever this Committee recommended/advised to the Town council would still need to go through the Planning and Zoning Board. He said that he would provide verbal reports to the Town Council, and then, if the Town Council agreed with the recommendations of the Committee, it would go to the Planning and Zoning Board. He noted that at this meeting, the Committee would not get into the forthcoming Attorney General Opinion on Section 604.50 of the Florida Statutes

Town Planning Consultant Jim Fleischmann explained some of the history regarding the special exception topic, noting that after a complaint by a resident who wanted to put a mobile home on his property, the Town Council had directed staff to look at the special exception process and analyze the requirements, and to try to streamline the process and the costs. Staff recommendations were included in the Agenda Packet. Mr. Fleischmann noted that there was a provision in the site plan approval requirements that gave the Town Manager the ability to waive certain site plan application requirements if he felt that they were not necessary for that particular use.

Town Planning Consultant Fleischmann provided a power point presentation regarding special exception uses.

Town Manager Kutney provided some general comments on special exceptions: They are considered quasi-judicial actions in Florida – that means they are being looked at based upon the evidence. A special exception goes through the public hearing process.

Town Planning Consultant Fleischmann presented a power point regarding special exception process, noting that in response to the Town Council directive, staff had made recommendations for revisions to the special exception process, and those recommendations stated on page 22 of the Agenda Packet.

Committee Member Voren suggested that the Town Attorney clarify the term "permitted use", and said that under the Palm Beach County ULDC a permitted use as the same as allowable use. He suggested the permitted use language is changed to "allowed."

Town Planning Consultant Fleischmann recommended that the special exception uses be categorized into high impact, low impact, and temporary events, thereby streamlining the review process for each of those three categories.

Public Comment:

Nina Corning, 2834 E Road: Commented regarding commercial equestrian use and agricultural classifications.

Mr. Fleischmann responded that he had created these categories with the principal idea in mind of trying to reduce as many of the burdensome requirements as he possibly could. If this Committee feels that a particular use is low impact rather than high impact, that is fine, as he was not adamant about which uses are high or low impact. Considerations for high or low impact would be traffic, noise, lights, and incompatibility of use with neighbors.

Committee Member Voren requested that the Town Attorney identify whether commercial equestrian facilities were a bona fide agricultural use, and return with the answer at the next Committee meeting.

Committee Member Ryan suggested that the mobile home definition was important to many people, and suggested that definition be identified.

Mr. Fleischmann advised that he would be prepared to address at the next Committee meeting: non-profit recreational facilities, mobile home definition, what uses were high/low impact, and outdoor events.

Public Comment:

Nina Corning, 2834 E Road: Commented that if there are other agencies responsible for taking care of something, it would not need to be in the ULDC.

Committee discussion took place regarding special exception uses for a private property with a motor cross facility, and butchering operations taking place on property within the Town. Committee Member Hyslop pointed out that there was a 1958 federal law regarding animal slaughtering.

Town Manager Kutney advised that both Article 170, and Article 75, would be held over for the next meeting, as well as the definition section of the ULDC. Town Attorney Cirullo would attend the next Committee meeting.

3. PUBLIC COMMENT

4. CLOSING & ADJOURNMENT

There being no further business, the ULDC Review Committee Meeting of January 30, 2013, was adjourned at 9:50 p.m.

These minutes were approved by the ULDC Review Committee on April 18, 2013

Susan Eichhorn
Town Clerk

Virginia Standish
Committee Chair

(SEAL)

The next meeting of the Unified Land Development Code Review will be held on February 21, 2013

Mayor David Browning, Seat 4
Vice Mayor Jim Rockett, Seat 2
Council Member Tom Goltzené, Seat 5
Council Member Ronald D. Jarriel, Seat 1
Council Member Ryan Liang, Seat 3

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, February 21, 2013 at 5:00 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planner Jim Fleischmann
Town Planning Technician Braeden Garrett

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA

Public Comment will be taken after each Agenda item

1. OPENING

a. Call to Order – *Chair Standish*

b. Roll Call – *Town Clerk Eichhorn*

2. REGULAR AGENDA

a. New Business

1. Attorney General Opinion

2. Hay Sales Amendment (Ordinance No. 2012-12)

3. Definitions – Art. 10 - ULDC

b. Old Business

1. Review of ULDC Articles:
   - Article 170 Special Exception Uses
   - Article 75 Nonconforming Uses, Structures and Plots

2. One Way Communication and Related Matters

3. Ethics
   - Palm Beach County Commission on Ethics
   - Town of Loxahatchee Groves Ethics Ordinance No. 2009-01

3. CLOSING & ADJOURNMENT

The next meeting of the Unified Land Development Code Review Committee will be held on March 21, 2013

Comments Cards: Anyone from the public wishing to address the ULDCRC 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 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 ULDCRC 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.

Mayor David Browning, Seat 4
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Council Member Tom Goltzené, Seat 5
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Council Member Ryan Liang, Seat 3

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, February 21, 2013 at 5:00 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

MINUTES

1. OPENING

a. Call to Order – *Chair Standish*

Chair Standish called the meeting to order at 5:07 p.m.

b. Roll Call – *Town Clerk Eichhorn*

Upon roll call, all Committee members were in attendance. Also in attendance were Town Attorney Michael D. Cirullo, Jr., Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, and Town Clerk Susan Eichhorn.

c. Approval of Agenda

Town Manager Kutney requested that after Item 2. a.1., the Agenda move forward to Item 2.b.2.

He noted that the Agenda was very long, and some items may continue to the next meeting.

Town Manager Kutney reviewed the manner in which the meetings will be conducted:

- Staff will present
- Deliberation
- Public comment
- Final action

He reminded all that it was not incumbent on this Committee to re-write everything – they were assessing the things in the code that need to be changed.

Committee Member Voren suggested that the Committee members do wordsmithing at home on their own time and come to the final meeting with their suggestions.

Motion: Committee Member Voren made a motion to approve the agenda. The motion was seconded by Committee Member Hyslop, and carried 5/0.

2. REGULAR AGENDA

a. New Business

1. Attorney General Opinion

Town Attorney Cirullo reviewed the Attorney General opinion, noting that he viewed this as more of a code enforcement issue than how the ULDC would be amended or re-written. The Statute now says that non-residential farm buildings were exempt from all codes. The Attorney General confirmed that was the intent and that gave the Town some good direction in regard to code enforcement. How this is playing out is that if there is a complaint or a case involving a building fence or sign, a determination has to be made as to whether it is a farm building, fence, or sign. He noted that this opinion had nothing to do with the Right to Farm Act – it had only to do with structures, and it provides those structures with more pre-emptions than the Right to Farm Act.

In response to Committee Member Hyslop, Town Attorney Cirullo explained that this Statute has an objective measure – the building could be used for farm purposes, it does not have to be ag, in order to be covered by this Statute. If the Town got a complaint, the only way to know if a structure was exempt or not is to look at it to see if it falls under 604.50. The Town would need to determine whether it is a farm building or not.

Committee Member Ryan commented that Florida Statutes deal with farms in many areas. He handed out a document that he had prepared. He noted that the Florida Statutes and the rules and regulations and court cases all are out there. All we need to do is say that we recognize these items and the chips will fall where they may.

Town Manager Kutney stated that there are probably 20 Statutes that deal with ag, and that staff recognizes how important ag is to Loxahatchee Groves. One of the things staff was doing is taking time to put together an approach as to how we see agriculture and how the Town is going to attempt to regulate it appropriately. It will also guide staff in code enforcement. It is something that we will need to have so that everyone in the Town will be consistent in their approach.

Town Attorney Cirullo referred to the Right to Farm Act. The State of Florida is set up with home rule. The Town can do anything unless it is prohibited by law from doing so, or it is preempted by the State. One of the things that we know is that we are preempted from regulating a farming activity where best management practices have been adopted.

Public Comment:

Thias Gonzalez, 13090 Raymond Dr., suggested that whatever ordinances that could be related to ag, -- if it has an ag classification granted by the property appraiser, it is exempt.

In response to Committee Chair Standish, Town Planning Consultant Fleischmann reviewed the requirement for ag: The five acres is the minimum lot size in the ag/residential zoning district. There are hundreds of lots in town that are smaller, but they fall into the category of nonconforming lots. If a property was less than five acres, it could still have an ag classification. He also noted that there was language in the code now that says that if you are a nonconforming lot as a result of a taking, you can add that back into your property.

Public Comment:

Todd McLendon, 3481 D Rd.: Commented that the Town really needs to know when something is going to fall under 604.50 and when it is not. They need to know whether a structure would be allowed under 604.50 or not.

2. Hay Sales Amendment (Ordinance No. 2012-12)

Committee Member Voren explained that the idea was not to give everyone an opportunity to open up a feed store – the object was to give the Eickes the opportunity to keep going. He submitted an outline of a code/regulation that he believed would handle everything just as the Town Council wanted; something that allows them to continue and closes the book on that.

Town Manager Kutney cautioned that we have to be very careful in terms of designating special exceptions, because it falls within the quasi-judicial category, and it is evidentiary. An applicant only needed to show by evidence that they meet all of the requirements under a special exception and then the burden falls back on the Town to say why it could not be granted.

Town Planning Consultant Fleischmann provided a brief background, as to why this ordinance was written. The issue was originally raised for four code violations for retail of sale. After receiving the notice of violation the Eickes requested that the Town Council give some consideration for their long standing operation. Council requested staff to review the matter.

The scope of the businesses are essentially limited to straw, hay, and grain sales. Existing businesses would be allowed to remain and a set of regulations was in place if a new business is proposed, and also sunset provisions were included. The basic ordinance contained three basic provisions. 1. To create a definition for the term residential agricultural sales and services. 2. Revision to permitted uses in the ag district. 3. The addition of Section 80-60 with conditions that new businesses would have to meet for this use.

Committee Member Voren suggested adding the language residential agricutural *support* sales and services.

Motion: Committee Member Voren made a motion to add the word "support" wherever the language residential agricultural sales and services appears in this ordinance. The motion was seconded by Committee Member Ryan, and passed unanimously.

Committee Member Ryan advised that Mr. Brier said at the Special Magistrate hearing that he was concerned that Beck Hyslop could vote on any issue that would ever come before the Special Magistrate.

Committee Member Hyslop said that it was hard for him to say how he feels as a resident and how he feels as a business owner. He noted that the Committee was just an advisory board to the Town Council. That is why he had made the comment that from the time of the vote in February 2006, until the Town actually incorporated, and then had a Town Council, many businesses jumped in, and then when the Town incorporated anonymous complaints started. That is why he liked the time frame suggested by Mr. Voren, that a business would need to be in place for a decade in order to be considered an exception.

Committee Member Katie Davis expressed concern with the word support, in that it may allow people selling halters in addition to hay and shavings, and then fence posts and then water. The word support was really vague.

Committee Member Voren commented that the products that are allowed to be sold under this ordinance are already listed.

After discussion, Town Manager Kutney advised that with some tweaking and some minor additions, the suggestion made by Committee Member Voren could probably work. The revisions would need to go back to the Planning and Zoning Board and then to the Town Council.

Committee Member Ryan made a motion that we combine the intent of Section 75-035 with the concept of business classified as historical legacies and let this become a form of special exception that would go to the Town Council with the presumption of having satisfied the requirements listed in the attachment. The recommendation was that staff would have the ability to take the concept and work between the two documents (the prepared Ordinance and the document submitted by Committee Member Voren. The motion was seconded by Committee Member Voren, and carried unanimously.

Town Planning Consultant Fleischmann advised that this ordinance was up for second reading and it was continued. It may need to be brought up for second reading and voted down.

Town Manager Kutney advised that he would try to structure the agenda so that the report of the Committee's deliberation of the matter would be presented before the Town Council voted on the ordinance.

3. Definitions– Art. 10 - ULDC

Town Manager Kutney addressed the definition section of the ULDC, and proposed that at the Committee Members could send him an email with definitions that troubled them, and he would be ready to address those at the next meeting.

Committee Member Voren requested that the Committee is emailed a list of those troublesome definitions. He also suggested an agricultural bill of rights is written into the Town Charter.

b. Old Business

1. Review of ULDC Articles:

- Artiele 170 Special Exception Uses
- Article 75 Nonconforming Uses, Structures and Plots

2. One Way Communication and Related Matters

Town Attorney Cirullo reviewed the concept of one way communication between committee members. He advised that The Sunshine Law has a presumption that everything is in the open. An email is such an easy thing – just send out a rush of thought, and it is easy. The issue becomes when someone else on the board responds to it, or hits the reply all. It invites issues. He suggested that the Committee Members funnel things through Mr. Kutney, so that he can provide it to them in a public forum. Mr. Cirullo also addressed text messages, and noted that cell phones can be subpoenaed, and that he discouraged everyone from texting any messages regarding Town business.

Town Attorney Cirullo noted that there as an index of definitions found in the Florida Statutes, and that he would provide that to Town Manager Kutney, so that the Committee could use that to define a term for purposes of the ULDC.

Town Manager Kutney cautioned that a basic rule in creating code language is that you do not regulate through a definition.

3. Ethics

- Palm Beach County Commission on Ethics

Town Manager Kutney reviewed the Palm Beach County Commission on Ethics requirements for all board/committee members, and urged the members of the Committee to complete the training as soon as possible, and then turn in the acknowledgement of completion to the Town Clerk.

- Town of Loxahatchee Groves Ethics Ordinance No. 2009-01

Committee Member Ryan suggested that we look at ethics in conjunction with Palm Beach County on ethics requirements and the Office of the Inspector General.

3. CLOSING & ADJOURNMENT

It was the consensus of the committee to begin the next meeting at 5:30 p.m.

Committee Comments:

Committee Member Ryan: We covered useful information tonight.
Committee Member Hyslop: We did good.
Committee Member Voren: The next meeting should have something for us to vote on regarding ethics
Chair Standish: We will be discussing Special Exceptions and nonconforming uses at the next meeting. I hope the Town Council gives a serious ear to what we are recommending.
Vice Chair Davis: We are headed in the right direction and covered a lot.

There being no further business, the Unified Land Development Code Review Committee meeting was adjourned at 7:45 p.m.

These minutes were approved by the Unified Land Development Code Review Committee on April 18, 2013.

Susan Eichhorn
Town Clerk

Virginia Standish
Chair

(SEAL)

Mayor David Browning, Seat 4
Vice Mayor Jim Rockett, Seat 2
Council Member Tom Goltzené, Seat 5
Council Member Ronald D. Jarriel, Seat 1
Council Member Ryan Liang, Seat 3

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, March 21, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA

Public Comment will be taken after each Agenda item

1. OPENING

a. Call to Order – *Chair Standish*

b. Roll Call – *Town Clerk Eichhorn*

c. Approval of Agenda

2. REGULAR AGENDA

a. New Business

1. Definitions – Art. 10 - ULDC

b. Old Business

1. Review of ULDC Articles:

- Article 75 Nonconforming Uses, Structures and Plots
- Article 170 Special Exception Uses

3. CLOSING & ADJOURNMENT

The next meeting of the Unified Land Development Code Review Committee will be held on April 18, 2013

Comments Cards: Anyone from the public wishing to address the ULDCRC 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 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 ULDCRC 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.

Mayor David Browning, Seat 4
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Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

MINUTES

1. OPENING

a. Call to Order – *Chair Standish*

Chair Standish called the meeting to order at 5:35 p.m.

b. Roll Call – *Town Clerk Eichhorn*

Upon roll call, all Committee members were found to be present. Also present were Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, and Town Clerk Susan Eichhorn.

c. Approval of Agenda

Motion to approve the Agenda was made by Committee Member Voren, seconded by Committee Member Ryan. The motion carried unanimously.

2. REGULAR AGENDA

a. New Business

1. Definitions – Art. 10 - ULDC

Town Manager Kutney advised that he had intended to get some information relative to the definitions to the Committee prior to the meeting; however, the present workload had prevented that. He noted that if the entire meeting tonight was spent on the definitions section that would be acceptable, given the importance of addressing that section of the ULDC.

Mr. Kutney went on to explain several rules in creating definitions: Do not define words that never appear in the text. Do not define common words. The best definitions are the ones that are defined exactly as the legislative body intended in the ordinances enacted. There should be a general section, however, the ULDCs now have some sections that actually require specific definitions that only apply to that section, for example wireless telecommunications – most of the terms are specific for that section, so that is where it is recommended that you put the definitions for that section. Some experts suggest that every definition start with the word "means." The definition should not be drafted to regulate. In adopting the definitions, it must be noted that, if there is a dispute, the courts will look for the most common definition used. Definitions should not be defined from a negative standpoint. It is preferable to list definitions in alphabetical order.

Committee Member Ryan made a motion to recommend to the Town Council that the Town have a preamble in the definition section of the Code that says that it is the intent of the Code to recognize the definitions that exist in the State Constitution and the State Statutes that relate to the Code being adopted by the Town. The motion was seconded by Committee Member Voren. The motion carried 4/1, with Chair Standish dissenting.

Town Planning Consultant Fleischmann stated that, as far as he knew, there had been no changes of the definition section since the Code was initiated. Town Manager Kutney stated that he was not aware of any changes to any of the definitions since the Code was adopted.

At this time, the Committee began the review of the definition section page by page:

Under Section 10-005:

The Committee determined that (D) (E) (F) and (H) should be eliminated.

Under Section 10-015: The Committee made the following determinations:

Accessory Building: Definition should have the language "in area and height" eliminated.

Adult Entertainment: Definition would need to be re-addressed, after more information is gathered.

Agriculture: Definition should be eliminated.

Alcoholic Beverage Establishment: Needs to be re-written because it is too general and too inclusive.

Alter: Needs to be re-written. The Committee specifically objected to the "any repair" language.

Animal: Needs to be re-considered.

Animal, Large: Needs to be deleted.

Animal, Small: Needs to be deleted.

Animal Manure Management, Commercial: Needs to be reviewed.

Animal Manure Management, Private: Needs to be reviewed. Also, it was pointed out that it would be necessary to watch for how and where it appears in sections of the ULDC.

Aviary: Needs to be researched by staff. Needs a re-work on the definition. It would be necessary to watch for how and where it appears in sections of the ULDC. The Committee considered adding language "for the purpose of raising, exhibition, or selling.

Aviculture: Needs to be researched by staff. Needs a re-work on the definition. The Committee suggested that the language read: The raising and ~~care~~ production of birds in captivity. ~~but not including small birds (e.g., parakeets) located in the home as pets.~~

Back-Out Parking: Staff to research to see why this is included in the definitions.

Bed and Breakfast: needs to be added to the Code as a use.

Boarding or Rooming House: needs to be deleted

Commercial Equestrian Operations: needs to be re-written.

The Committee determined that it would go no further at this point, and the meeting was adjourned.

b. Old Business

1. Review of ULDC Articles:

- Article 75 Nonconforming Uses, Structures and Plots
- Article 170 Special Exception Uses

Because of time constraints, the above items were not discussed and would be postponed to a future meeting.

3. CLOSING & ADJOURNMENT

There being no further business, the Unified Land Development Code Review Committee meeting of March 21, 2013, was adjourned at 7:25 p.m.

These minutes were approved by the Unified Land Development Code Review Committee on April 18, 2013.

Susan Eichhorn
Town Clerk

(SEAL)

Virginia Standish
Chair

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, April 18, 2013 at 5:00 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA

Public Comment will be taken after each Agenda item

1. OPENING

a. Call to Order – *Chair Standish*

b. Roll Call – *Town Clerk Eichhorn*

c. Approval of Agenda

2. MINUTES: Approval of ULDC Review Committee Minutes for: January 10, 2013; February 21, 2013; March 21, 2013.

3. REGULAR AGENDA

a. New Business

1. ULDC Section 50-010 – Excessive Noise

b. Old Business

1. Definitions – Art. 10 - ULDC

2. Review of ULDC Articles:

   - Article 75 Nonconforming Uses, Structures and Plots
   - Article 170 Special Exception Uses

3. CLOSING & ADJOURNMENT

The next meeting of the Unified Land Development Code Review Committee will be held on May 16, 2013 @ 5:00 p.m.

Comments Cards: Anyone from the public wishing to address the ULDCRC 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 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 ULDCRC 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.

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
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Unified Land Development Code Review Committee

Thursday, April 18, 2013 at 5:00 p.m.
Central Palm Beach County Chamber of Commerce
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Committee Chairman Virginia Standish
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Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

MINUTES

1. OPENING

a. Call to Order – *Chair Standish*

Chair Standish called the meeting of the Unified Land Development Code Review Committee to order at 5:05 p.m.

b. Roll Call – *Town Clerk Eichhorn*

Upon roll call, all Committee members were found to be present. Also present were Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, Town Planning Technician Braeden Garrett, and Town Clerk Susan Eichhorn.

c. Approval of Agenda

Motion: Committee Member Voren made a motion to approve the Agenda. The motion was seconded by Committee Member Hyslop. The motion passed 5/0.

Discussion took place regarding the request from Mr. Keith Harris to address the Committee. It was determined that Mr. Harris would speak at the time special exceptions were discussed.

2. MINUTES: Approval of ULDC Review Committee Minutes for: January 10, 2013; February 21, 2013; March 21, 2013.

Motion: Committee Member Hyslop made a motion to approve the minutes as listed in the Agenda. The motion was seconded by Committee Member Ryan. The motion passed 5/0.

3. REGULAR AGENDA

a. New Business

1. ULDC Section 50-010 – Excessive Noise

Town Manager Kutney requested that this item is tabled to be addressed at the next meeting. There were several noise issues currently, and staff would like to discuss that section of the Code with the Committee, in order to have a more appropriate noise section.

Committee Member Voren said that he would like to include in that diseussion the issue of private nuisances versus public nuisances.

Town Manager Kutney explained that was not necessarily a code provision. That was a policy. Right now, the policy was if a complaint is received, it is looked into by the Code Officer.

Committee Member Ryan stated that nuisance was an issue that needs to be addressed, and the code standards need to be addressed as well.

Motion: Committee Member Ryan made a motion to table discussion of Section 50-010 of the ULDC to the next ULDC meeting. The motion was seconded by Committee Member Hyslop. The motion passed 5/0.

b. Old Business

1. Definitions – Art. 10 - ULDC

Town Manager Kutney advised that Committee Member Ryan had provided information regarding definitions, and staff will digest them and will bring them back at the next meeting to discuss.

Discussion took place regarding definitions. Town Manager Kutney referred to the Florida 2012 Definition Index, however, he explained that this will not do what was expected. All it did was list terms as to how they were defined in a particular statute. A definition may be particular to one statute; it depended on the definition and the term.

In response to Chair Standish, Town Manager Kutney explained that local rules could not overturn State Statutes.

Chair Standish commented that there was confusion in the community as far as definitions and Statutes, especially concerning bona fide age.

Town Planning Consultant Fleischmann explained that there were numerous terms in the ULDC that are not defined at the State level, and where there is no reference in State Statutes.

Town Manager Kutney explained that one of the reasons staff had considered doing a white paper was for issues like bona fide ag, since there was not one piece of legislation on that. It needs to be clarified and it needs to be something that is in writing, so that it is clearly understood.

Committee Member Voren commented that there were plenty of places where the Right to Farm Act was mentioned without mentioning best management practices. The Right to Farm Act was there prior to the best management clause. The best management practices are specifically there as to whether or not an agricultural practice is a nuisance. Committee Ryan said that when the Town Attorney was present at the first Committee meeting he said that the Right to Farm benefits depended on best management practices. Further discussion took place regarding the Right to Farm Act.

Under Section 10-015: The Committee made the following determinations:

Completely enclosed building. A building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls pierced only by windows ~~and normal~~ and/or entrance or exit doors.

Developmemt. Added to list to re-word.

District. Added to list to re-word.

Dwelling. Added to list to re-word. Define more specifically.

Dwelling, single-family. Add to list to re-word.

Dwelling unit. Added to list to re-work.

Equestrian. Added to list to re-word.

Equipment, farm and land cultivation. Remove from definitions.

Family. Added to list to re-word.

Family day care home. Add to list to re-word.

Farm and land cultivation equipment. Added to list to re-word. The word "plot" should be changed to parcel or plat, as does the word "plot" in many other of the definitions.

Garage, private. An accessory building with enclosed walls or portion of a single-family dwelling designed or used for inside parking of self-propelled private passenger vehicle by the occupants of the dwelling.

Governmental facilities. Added to list to re-word.

Guest cottage. Delete definition.

Home occupation. Added to list to re-word.

Home office. Added to list to re-word.

Household pet. Added to list to re-word.

Kitchen, ~~complete.~~ Strike word "complete".

Mobile home: Added to list to re-word. Possibly take mobile home out of Dwelling definition.

Nonconforming ~~plot.~~ Strike word "plot" and substitute with lot or parcel.

Nonresidential ~~plot.~~ Strike word "plot" and substitute with lot or parcel.

Nonresidentially zoned land. Possibly strike this definition.

Not-for-profit corporation. Added to list to re-word. Consider adding language that it shall be a 501(c) operation.

Parking facility, full circulation. Added to list to re-word.

Parking facility, partial circulation. Added to list to re-word.

Plot. Change "plot" to lot or parcel. This would apply to all definitions with the word plot.

Residential enterprise. Added to list to re-word.

Setback. The word "plot" should be removed, and substituted with "lot".

Setback line. The word "plot" should be removed, and submitted with "lot".

Shopping center outparcel. Reconsider word "plot'.

Site plan. Added to list to re-word. Needs more detail.

Trailer: Added to list to re-word.

Vehicle, commercial. All items listed under that definition should be put together in one group under one general heading.

Wildlife, pets. Added to list to re-word.

The Committee also noted that there was a definition needed for lawn and landscape maintenance business, and suggested consideration of adding a definition for an adult living facility.

Town Manager Kutney noted that there were several items that would need to be added under the definition section:

Adjacent or Adjoining
Aquifer
Berm
Best Management Practices
Block
Boundary
Certificate of Occupancy
Density (net or gross)
Gross/Net Acreage
Landscape

Public Comment:

Todd McLendon, 3481 D Rd.: Commented that special exceptions need to be looked at on an individual basis, and that commercial equestrian should not be a special exception. It fits in every single square inch of this Town and it should not be a special exception.

Keith Harris, 2580 C Rd.: Commented regarding Business Tax Receipts for commercial stable permits.

2. Review of ULDC Articles:

- Article 75 Nonconforming Uses, Structures and Plots

Town Manager Kutney provided a brief review of Article 75. He advised that he would provide more detail at the next meeting.

- Article 170 Special Exception Uses

Town Planning Consultant Jim Fleischmann addressed Article 170 and reviewed the material provided in the Agenda back-up. Discussion took place regarding special exception uses by zoning district. He explained that he had reviewed all uses that require special exception approval, and that he had suggested three special exception categories, A – Full Special Exception Review, B – Abbreviated Special Exception Review , and C – Temporary Events, based on potential impacts. He then reviewed the recommendations for simplifying the special exception application and approval process, and the ULDC code revisions that would be necessary to implement the recommendations. It was determined that it would be helpful to have a document with the existing text altered with strike throughs and underlines, to indicate the changes.

Mr. Fleischmann addressed the outline submitted by Committee Member Voren regarding historical legacy uses, and suggested that those uses could become a Category B Special Exception, which would be an administrative approval by staff, with the requirements for the application determined by staff at the initial meeting. Committee Member Ryan suggested that on page 11 of the recommendations, Item (B) include in the last line of the first paragraph the language, after the word notification "and no objection by any member of the Town Council." Town Manager Kutney stated that staff would be conferring with the Town Attorney on the language.

At this time, Mr. Fleischmann received feedback from each of the committee members, and this item would then be continued under Old Business on the next ULDC Review Committee meeting.

Committee Member Voren: The main thing is special exceptions for multiple uses – i.e., the outdoor event at the church over on Okeechobee permit needs to be simplified, so that it is a conditional use for five years or something like that.

Committee Member Ryan: A good simplification was on page 59 where the Town Manager can administratively waive certain requirements of the special exception process and modify them to suit certain circumstances.

Chair Standish: Concerned about costs of a special exception. Suggested another section, a Category D, that would relieve the burden on some of the agricultural areas.

Town Planning Consultant Fleischmann advised that the individual committee members could email the Town Manager with any questions on special exceptions, which could then be passed on to Mr. Fleischmann, so that he could prepare material for the next meeting.

Keith Harris, 2580 C Rd.: Commented that, for the record, he was speaking as a private citizen. He commented on the special exception use permit and that he found great exception with commercial equine operation included in that category. After brief discussion, it was determined that Mr. Harris would speak at the next ULDC Review Committee meeting in this regard.

3. CLOSING & ADJOURNMENT

It was the consensus of the ULDCRC that the next meeting would be held at 5:30 p.m. on May 16, 2013.

There being no further business, the Unified Land Development Code Review Committee meeting was adjourned at 9:15 p.m.

These minutes were approved by the ULDC Review Committee
On May 16, 2013

Susan Eichhorn
Town Clerk

Virginia Standish
Committee Chair

(SEAL)

The next meeting of the Unified Land Development Code Review Committee will be held on May 16, 2013 @ 5:30 pm.

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, May 16, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
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Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA

Public Comment will be taken after each Agenda item

1. OPENING

a. Call to Order – *Chair Standish*

b. Roll Call – *Town Clerk Eichhorn*

c. Approval of Agenda

2. MINUTES: Approval of ULDC Review Committee Minutes for: April 18, 2013

3. REGULAR AGENDA

a. New Business

1. Comments regarding: Commercial Equine operations relative to Special Exception Use Permits *(Keith Harris)*

b. Old Business

1. ULDC Section 50-010 – Excessive Noise
2. Review of ULDC Articles:
   - Article 75 Nonconforming Uses, Structures and Plots
   - Article 170 Special Exception Uses

3. CLOSING & ADJOURNMENT

The next meeting of the Unified Land Development Code Review Committee will be held on June 20, 2013 @ 5:00 p.m.

Comments Cards: Anyone from the public wishing to address the ULDCRC 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 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 ULDCRC 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.

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

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Unified Land Development Code Review Committee

Thursday, May 16, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
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Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

MINUTES

1. OPENING

a. Call to Order – *Chair Standish*

Chair Standish called the meeting of the Unified Land Development Code Review Committee to order at 5:40 p.m.

b. Roll Call – *Town Clerk Eichhorn*

Upon roll call, all Committee members were found to be present. Also present were Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, and Town Clerk Susan Eichhorn.

c. Approval of Agenda

Motion: Vice Chair Davis made a motion to approve the Agenda. The motion was seconded by Committee Member Ryan. The motion passed 5/0.

2. MINUTES: Approval of ULDC Review Committee Minutes for: April 18, 2013

Motion: Committee Member Ryan made a motion to approve the minutes as listed in the Agenda. The motion was seconded by Committee Member Hyslop. The motion passed 5/0.

3. REGULAR AGENDA

a. New Business

1. Comments regarding: Commercial Equine operations relative to Special Exception Use Permits *(Keith Harris)*

Keith Harris addressed the ULDC Review Committee and discussed commercial equine operations and the ULDC requirements. He suggested that it become a permitted use. Discussion took place, and it was the consensus of the Committee to re-consider the commercial equine operations issue in a future discussion.

b. Old Business

1. Review of ULDC Section 50-010 – Excessive Noise

Town Manager Kutney suggested that the language in Section 50-010 should be revised as to the decibel level and the measurement system. Discussion took place, and Mr. Kutney pointed out that the Right to Farm Act was developed when subdivision had developed and they were getting noise, etc., from farms, and they trying to put bona fide farms out of business, and there were too many frivolous code enforcement complaints. Discussion took place.

Public Comment:

Todd McLendon 3481 D Road: Commented on the requirement of Palm Beach County that two people from two different households must complain, whereas the Town of Loxahatchee Groves required one complaint.

Motion: Motion made by Committee Member Hyslop for staff to review Section 50-010 of the ULDC to modernize it and have an appropriate method to measure noise and to possibly increase the decibel level. Motion seconded by Committee Member Ryan. The motion passed 5/0.

Motion: Committee Member Voren for staff to review the Palm Beach County codes in regard to specific mechanical devices, and public versus private. The motion was seconded by Committee Member Ryan. The motion passed 5/0.

2. Review of ULDC Articles:

- Article 75 Nonconforming Uses, Structures and Plots

Motion: Committee Member Hyslop made a motion to direct staff to review Article 75 and propose appropriate changes. The motion was seconded by Committee Member Ryan. The motion passed 5/0.

Town Planning Consultant Jim Fleischmann commented that in Section 75-015 - "Determination of Non-Conformity", the first paragraph stated that the Town Council would make that determination and then in the second paragraph it stated that Town staff would make that determination. Discussion took place. It was the consensus of the Committee that Town staff should be making that determination, with any appeal of that going to the Town Council.

- Article 170 Special Exception Uses

Discussion took place, and Town Planning Consultant Fleischmann reviewed the suggested changes. Discussion took place, and the following recommendations were made:

Regarding mobile homes: Eliminate it as a special exception category, and put it back as a conditional use.

Regarding outdoor events: Take it out of all zoning categories/special exceptions at this time and further discussion will take place at a later date regarding its relationship to agriculture and whether permits would be required for private properties.

Committee Member Ryan requested that the following additions are made:

On page 31 of 39 of the Agenda Packet, at the end of Section 170-015 Category D: "and a property/building layout drawing with approximate dimensions."

On Page 33 of 39, Paragraph "A" of the Agenda Packet, fourth line in Section 170-040: after word improvements, add "and/or documentation."

Town Manager Kutney advised that staff would move forward with the special exception portion of the Code, based on what was discussed this evening.

3. CLOSING & ADJOURNMENT

Committee Member Ryan commented that the Committee had covered a lot of ground and staff had a fair amount of work and that at the next meeting we will see the results of all of the comments.

Board Member Hyslop asked Town Manager Kutney if the Town Council would be voting on this or would he just be presenting the Committee comments to them. Town Manager Kutney replied that staff was going to start the process with special exceptions with Planning and Zoning Board and then proceed.

Chair Standish commented that she would attempt to keep committee discussion less lengthy. She also commented that she had concerns with nonconforming issues that may result when the roadway easement issues are clarified, and if the size of a private property would be affected by any change in the roadway, such as an easement.

There being no further business, the Unified Land Development Code Review Committee meeting of May 16, 2013, was adjourned at 9:20 p.m.

These minutes were approved by the ULDC Review Committee
On June 20, 2013

Susan Eichhorn
Town Clerk

Virginia Standish
Committee Chair

(SEAL)

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

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Unified Land Development Code Review Committee

Thursday, June 20, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
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TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA

Public Comment will be taken after each Agenda item

1. OPENING

a. Call to Order – *Chair Standish*

b. Roll Call – *Town Clerk Eichhorn*

c. Approval of Agenda

2. MINUTES: Approval of ULDC Review Committee Minutes for: May 16, 2013

3. REGULAR AGENDA

a. Old Business

1. ULDC Article 170 – Special Exception Uses

2. Information Regarding Noise Regulations (*Committee Member John Ryan)*

b. New Business

1. Food Insurance Rate Maps and Flood Plain Ordinance
   a. Draft Map
   b. FEM Model Ordinance
   c. Palm Beach County Model Ordinance

2. Ordinance 2010-002 – Pain Management Clinics

3. ULDC Article 87 - Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal

4. Discussion of Vermiculture and Other Agricultural Issues

3. CLOSING & ADJOURNMENT

The next meeting of the Unified Land Development Code Review Committee will be held on July, 18, 2013 @ 5:30 p.m.

Comments Cards: Anyone from the public wishing to address the ULDCRC 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 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 ULDCRC 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.

Mayor David Browning, Seat 4
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Town Planning Technician Braeden Garrett

MINUTES

1. OPENING

a. Call to Order – *Chair Standish*

Chair Standish called the meeting of the Unified Land Development Code Review Committee to order at 5:30 p.m.

b. Roll Call – *Town Clerk Eichhorn*

Upon roll call, Committee members present were Chair Standish, Vice Chair Davis, Member Hyslop, Member Ryan. Member Voren arrived at 6:00 p.m. Also present were Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, and Town office Coordinator Dennise Rodriguez.

c. Approval of Agenda

Motion: Motion made by Committee Member Ryan to approve the Agenda. The motion was seconded by Vice Chair Davis. The motion passed 4/0.

2. MINUTES: Approval of ULDC Review Committee Minutes for: May 16, 2013

Motion: Committee Member Hyslop made a motion to approve the minutes. Committee Member Ryan seconded the motion for discussion. Committee Member Ryan commented that minutes can be brief and did not need to include lengthy discussion, since all of the meetings were posted on the Town website. The motion passed 4/0.

Public Comment:

Keith Harris, 2580 C Road: Commented regarding the minutes of the last ULDCRC meeting and the suggestion made at that meeting that commercial equine operations be dropped from special exception uses.

Town Planning Consultant Fleischmann advised that the ULDCRC had wanted to see several changes to the Table "Recommended Special Exception Categories by Zoning District," and one of them was to eliminate special exception approval for commercial equestrian operations, however, there was not a formal motion, and that was why special exceptions were again on the Agenda this evening.

3. REGULAR AGENDA

a. Old Business

1. ULDC Article 170 – Special Exception Uses

Town Planning Consultant Fleischmann advised that the changes discussed at the last meeting had been incorporated within the ordinance itself; additions are underlined and deletions were struck through. Staff was recommending approval of the changes made to Article 170, as well as changes to advertising requirements.

Motion: Committee Member Hyslop made a motion to approve Article 170 as recommended by staff, with the following changes:

Section 170-010: Tent for private personal use should be Category B. Add a list of events/items that are exempted or under Category B include some type of wording for private events for a period of 24 hours that would require minimum notification;

Section 170-015: adding a section for exemptions that would cover such things for private events that would be less than 24 hours;

Section 170-015 (C): Clarify that the layout is prepared by applicant; the zoning confirmation letter is prepared by staff.

Section 170-020 (B): change last line -- notification to the Town Council (not of)

Section 170-040 (C): change two year waiting period to one year waiting period

All subject to any further changes by legal review and Town Council.

The motion was seconded by Vice Chair Davis. The motion passed 5/0.

Motion: Vice Chair Davis made a motion to approve Section 115-010, "Table of Public Notice Requirements," as recommended by staff, subject to any other changes that may need to be made by legal review. The motion was seconded by Committee Member Ryan. The motion passed 5/0.

Motion: Committee Member Hyslop made a motion to approve the uses on the table entitled "Recommended Special Exception Categories by Zoning District" on page 14 of 129 of the Agenda Packet for the 6-20-13 ULDCRC meeting, with the exception that commercial equestrian operations are not required to obtain special exception approval. Rather, commercial equestrian operations are to be listed in the AR District as a permitted principal use. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

Town Planning Consultant Jim Fleischmann discussed the issue of mobile homes.

Public Comment:

Kevin Gareau: Commented regarding what constituted a mobile home.

Motion: Committee Member Voren made a motion that the ULDC Review Committee review the mobile home issue when the AR (residential district) is reviewed. The motion was seconded by Committee Member Ryan. The motion passed 5/0.

2. Information Regarding Noise Regulations (*Committee Member John Ryan)*

Committee Member Ryan stated that the information provided to the Committee was background on the existing noise ordinance. Town Manager Kutney noted that the gentleman who had provided noise training to staff had indicated that the provision that the Town was working under was not state of the art. That was the reason that it was brought to the attention of the Committee in order to review it and consider appropriate modifications.

Public Comment:

Larry Lefkowitz, 3485 "D" Rd.: Distributed some information regarding noise, and commented on the material he distributed, regarding noise levels, public versus private nuisance, and new technology that records noise levels. He stated that he would provide the technological information to Town Manager Kutney.

Chair Standish commented that enforcement of noise issues in the Town should be done equally across the board, and no favoritism should be involved. Town Manager Kutney replied that staff tries to enforce the ordinance fairly; each case is different depending upon the respondent and the individual making the complaint. There were three types of cases that were quite costly for the government: overcrowding issues; when a church is operating out of a home, and the third one is the noise issue.

b. New Business

Town Manager Kutney noted that there were four items below for which staff would provide a quick overview, and the Committee members could digest the information and then discuss the issues fully at the July 18, 2013, ULDC Review Committee meeting.

1. Food Insurance Rate Maps and Flood Plain Ordinance
    a. Draft Map
    b. FEMA Model Ordinance
    c. Palm Beach County Model Ordinance

Town Manager Kutney stated that he would keep the Committee updated with the interaction between the cities and FEMA.

2. Ordinance 2010-002 – Pain Management Clinics

Town Manager Kutney explained that Ordinance 2010-002 declared a moratorium and zoning in progress on pain management clinics. The Management Company came on board in 2011, and brought it to the attention of the Town Council. As part of the study of the ULDC, the Committee could provide input to the Town Council in this regard.

3. ULDC Article 87 - Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal

Town Manager Kutney explained that there were typos and other issues with this article, and this was something that the Committee could review and provide input.

4. Discussion of Vermiculture and Other Agricultural Issues

Town Planning Consultant Fleischmann explained that with the change in administration in the Property Appraiser's office, the County will not give a bona-fide agriculture classification based upon a business plan; you would have to be up and running and show tax receipts. There was thus a time period, or gap, between start up and designation.. He questioned whether the Town would now have the right to require site plans and approvals on new agricultural_operations prior to their attaining bona fide agriculture status. That was the issue that staff had been struggling with.

Mr. Fleischmann explained that permit requests are made at the Town Hall daily for different uses that people would like to have on their property. He gave as an example a person who wanted to start a vermiculture farm in the Town and he provided information on the plan that was proposed. Staff was struggling with the process to use, and whether to take advantage of the gap between start up and bona fide agriculture designation by the Property Appraiser to try to control these type of operations, for example with a special exception.

Discussion took place.

3. CLOSING & ADJOURNMENT

There being no further business, the ULDCRC meeting was adjourned at 7:50 p.m.

Susan Eichhorn, Town Clerk

Virginia Standish, Committee Chair

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, July 18, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA

Public Comment will be taken after each Agenda item

1. OPENING

a. Call to Order – *Chair Standish*

b. Roll Call – *Town Clerk Eichhorn*

c. Approval of Agenda

2. MINUTES: Approval of ULDC Review Committee Minutes for: June 20, 2013 ***(to be added to Agenda Packet as soon as complete)***

3. REGULAR AGENDA

a. Old Business

1. Food Insurance Rate Maps and Flood Plain Ordinance
    a. Draft Map
    b. FEMA Model Ordinance
    c. Palm Beach County Model Ordinance

2. Ordinance 2010-002 – Pain Management Clinics

3. ULDC Article 87 - Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal

4. Discussion of Vermiculture and Other Agricultural Issues

b. New Business - *None*

3. CLOSING & ADJOURNMENT

The next meeting of the Unified Land Development Code Review Committee will be held on August 15, 2013 @ 5:30 p.m.

Comments Cards: Anyone from the public wishing to address the ULDCRC 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 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 ULDCRC 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.

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett, Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, July 18, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

MINUTES

1. OPENING

a. Call to Order – *Chair Standish*

Chair Standish called the meeting of the Unified land Development Code Review Committee to order at 5:40 p.m.

b. Roll Call – *Town Clerk Eichhorn*

Upon roll call, Committee members present were Chair Standish, Vice Chair Davis, Member Hyslop, Member Ryan and Member Voren. Also present were Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, and Town Clerk Susan Eichhorn.

c. Approval of Agenda

Motion: Vice Chair Davis made a motion to approve the Agenda. The motion was seconded by Committee Member Hyslop. The motion passed 5/0.

Committee Member Voren Howard suggested a protocol for Committee members wanting to speak at the meeting, using white couplings and a process for speaking. Chair Standish clarified that she had the right to limit a speaker, and suggested that a speaker keep it to no more than 5 minutes on a topic. When three people put their couplings out at the same time she would control who spoke.

2. MINUTES: Approval of ULDC Review Committee Minutes for: June 20, 2013

Motion: Committee Member Ryan made a motion to approve the minutes of June 20. 2013. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

3. REGULAR AGENDA

a. Old Business

1. Food Insurance Rate Maps and Flood Plain Ordinance
    a. Draft Map
    b. FEMA Model Ordinance
    c. Palm Beach County Model Ordinance

Town Manager Kutney stated that FEMA is waiting to adopt a firm map, which would set the tone for flood insurance matters, etc. He noted that no one is happy with the proposed FEMA Flood Zone map. The bigger cities have been trying to put together a consortium; however, it is incumbent upon each city to do their own review. He stated that he was of the initial opinion that the Town should adopt its own ordinance, or simply adopt the Palm Beach County ordinance; however, Jim Fleischmann had called the County and asked if we could just could go under the county ordinance, since the County is administering building permits on behalf of the town. The County indicated that since the County was only administering building permits and the Town was implementing its own planning and zoning functions, the Town should have its own ordinance.

Town Manager Kutney advised that the crucial thing was that the ULDC Committee could advise the Town Council as to whether the Town should have its own floodplain ordinance, adopt the Palm Beach County ordinance, or do something in between.

Town Planning Consultant Fleischmann advised that the Town would have to designate a flood zone administrator and that person would be responsible for doing certain reviews and certain paperwork; obviously, if the County could do that for the Town, that would be very important. If the Town had its own administrator, it would have to go through him/her, and then go to the County for a building permit and go through the County Administrator too.

Town Manager Kutney summarized that the Committee would not have to make a decision tonight, but it would be a good idea for the ULDC Review Committee to provide the Town Council a recommendation in this regard.

Committee Member Ryan requested that the ULDC Review Committee receive a monthly update and Town Manager Kutney agreed that would be provided. He requested that the Committee continue to study the issue, and review the ordinances in the back up material that was provided tonight, which would provide the Committee a basis to make a future recommendation to the Town Council.

2. Ordinance 2010-002 – Pain Management Clinics

Town Manager Kutney reported that the Town had adopted a moratorium in 2010 (March 16th) that declared a zoning in progress moratorium on pain management clinics. He explained that moratoria should have an ending date. Ordinance No. 2010-002 called for Town administration to analyze the potential effects of pain management clinics in the town. Staff had asked the Town Council for direction in the past, and now the ULDC Review Committee would be examining the issue, in order to provide the Town Council a recommendation on what it thinks should happen.

Committee Member Ryan suggested that if Wellington and Royal Palm Beach already had regulations, time and trouble could be saved by looking at their regulations as a model.

Town Manager Kutney advised that staff could collect those and provide the Committee with copies with the next agenda packet.

3. ULDC Article 87 - Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal

Town Manager Kutney suggested that this item is deferred until the next meeting. The ordinance needs to be reviewed and the Town Council needs to be provided with advice from the Committee as to whether it needs more work or more scrutiny.

It was the consensus of the Committee to defer this item to the next meeting.

4. Discussion of Vermiculture and Other Agricultural Issues

Town Planning Consultant Fleischmann explained that this item was being brought up because staff had been requested to do zoning determinations for very unusual uses that were difficult to interpret from the Town Code. All of the uses are related to agricultural issues to some extent. Some of them may have potentially noxious impacts on Town residents. With that in mind, he questioned whether the Town should have some procedures in place to review these projects before they were built, so that the Town would have the chance to mitigate or impose regulations and/or improvements. He further explained that in the AR Zoning District, under permitted uses, there were agriculture and bona fide agriculture – two distinct uses. The property appraiser said that a use becomes bona fide agriculture when it is actually up and running and the person has business receipts and tax returns. That creates a gap between when an intended bona fide agriculture use is started and when it actually becomes bona fide agriculture; that gap would give the Town the ability to take a look at these proposed uses at the point where they are agriculture and before they become bona fide agriculture. That would give the opportunity to address any potential issues that may arise.

Mr. Fleischmann gave as an example a restaurant owner who wanted to bring kitchen waste in, and start a worm farm, with the kitchen waste being fed to the worms; the worm residual would then be used as a soil amendment. He also wanted to bring out his used glass, grind it up and mix it with sand and worm casings to produce a potting soil mixture to grow ornamental plants for his restaurants. Mr. Fleischmann noted that, if not run properly, a worm farm could be very noxious and there were also some potential issues with the grinding of glass, as well as some other environmental issues. He explained that he is using this example for the Committee to consider whether we should be looking at some of these issues prior to their being declared bona fide agriculture.

Mr. Fleischmann clarified that he was asking if some sort of a system should be set up, so that staff could look at all of the impacts beforehand. There was a difference between agriculture and bona fide agriculture, and it was hands off when it was bona fide agriculture. In other words, do we wait until it becomes an issue, or do we allow people to explain what they want to do and allow the Town to identify things that could become an issue.

Committee Member Ryan suggested that the Town could obtain two agreements: a cleanup bond and an agreement to balance the waste they are using and worm production.

Public Comment:

Todd McLendon, 3481 D Road: Commented that nothing about agriculture should be in the ULDC. Town staff could go through the ULDC and find everything about agriculture in the ULDC and see if it should be removed from the ULDC.

Committee Member Voren submitted a document regarding the Town adopted development regulations, with information from the Florida Statutes, and with three questions he suggested should be asked of the Attorney General:

> The regulations in the ULDC are enacted as allowed by Florida Statutes Chapter 163. According to Florida Statutes Chapter 163, agriculture is exempt from development codes. Florida Statute §604.50 exempts non-residential farm buildings from all codes and fees.
>
> 1. For these exemptions to apply to farms, must the property appraiser classify the lands with a particular use code?
> 2. To be afforded nuisance protection under the Right to Farm Act Statute §823.14, does the property appraiser need to classify a particular use code and does one need to have to implement BMPs?
> 3. Can all plants and the entire animal kingdom, inclusive of insects, fish, reptiles, birds, and all animals useful to humans, regardless of whether they are used for food or adornment, be considered farm products or is there a limited list?

Motion: Committee Member Voren made a motion that anything that has to do with agriculture needs to be removed from the ULDC (all references removed). Seconded by Committee Member Hyslop.

Chair Standish requested that the motion is tabled until the next ULDC Review Committee, so that Committee members can take time to review the Florida Statutes. The questions for the AGO can be included in the next ULDC Review Committee meeting agenda, and brought back for discussion at the next meeting.

Town Planning Consultant Fleischmann suggested that what we should do is go through the Code and if there is a particular issue that relates to a Florida Statute, we should reference that Statute and the specific section of that Statute that would apply to any pertinent Code regulation.

Chair Standish requested that the Committee members email any question or comments that they may have on this issue to Town Manager Kutney, and further discussion could take place at the next meeting

Public Comment

Kevin Gareau, 13650 6th Ct. N.: Commented that he agreed that nuisance and sanitation needs to be included in the ULDC

b. New Business - *None*

4. CLOSING & ADJOURNMENT

There being no further business, the Unified Land Development Code Review Committee meeting of July 18, 2013, was adjourned at 8:00 p.m.

Susan Eichhorn, Town Clerk

Virginia Standish, Chair

(SEAL)

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, August 15, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA

Public Comment will be taken after each Agenda item

1. OPENING

a. Call to Order – *Chair Standish*

b. Roll Call – *Town Clerk Eichhorn*

c. Approval of Agenda

2. MINUTES: Approval of ULDC Review Committee Minutes for: July 18, 2013

3. REGULAR AGENDA

a. Old Business

1. Update and Discussion Regarding Food Insurance Rate Maps and Flood Plain Ordinance
   a. Draft Map
   b. FEMA Model Ordinance
   c. Palm Beach County Model Ordinance

2. Ordinance 2010-002 – Pain Management Clinics

3. ULDC Article 87 - Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal

4. Discussion of Agricultural Issues *(see excerpt from July 18, 2013 Minutes in this regard – attached to Agenda Packet)*

b. New Business - *None*

3. CLOSING & ADJOURNMENT

The next meeting of the Unified Land Development Code Review Committee will be held on August 15, 2013 @ 5:30 p.m.

Comments Cards: Anyone from the public wishing to address the ULDCRC 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 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 ULDCRC 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.

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, August 15, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

MINUTES

1. OPENING

a. Call to Order – *Chair Standish*

Chair Standish called the meeting of the Unified land Development Code Review Committee to order at 5:40 p.m.

b. Roll Call – *Town Clerk Eichhorn*

Upon roll call, Committee members present were Chair Standish, Vice Chair Davis, Member Hyslop, Member Ryan and Member Voren. Also present were Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, and Town Clerk Susan Eichhorn.

c. Approval of Agenda

Motion: Vice Chair Davis made a motion to approve the Agenda. The motion was seconded by Committee Member Ryan. The motion passed 5/0.

Chair Standish reminded the Committee that this was an advisory committee, providing recommendations to the Town Council.

2. MINUTES: Approval of ULDC Review Committee Minutes for: July 18, 2013

Motion: Committee Member Ryan made a motion to approve the Minutes of July 18, 2013. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

3. REGULAR AGENDA

a. Old Business

1. Update and Discussion Regarding Food Insurance Rate Maps and Flood Plain Ordinance
    a. Draft Map
    b. FEMA Model Ordinance
    c. Palm Beach County Model Ordinance

Town Manager Kutney advised that FEMA had indicated that they were now willing to revise the floodplain maps based on better technical data, and information regarding revisions could be provided to them until November 30, 3013. They would probably be issuing the map in 2014, and public meetings would be held in that regard. Since the ULDC Committee would be sunsetting at the end of this year, Mr. Kutney advised that the recommendation that it would make to the Town Council is how the Town should proceed after getting through the process with FEMA.

Town Planning Consultant Fleischmann commented that it would need to be determined whether the Town should have its own ordinance regarding floodplain regulations or whether the Town should try to go under the Palm Beach County ordinance.

Discussion took place.

Motion: Committee Member Ryan made a motion to recommend that the Town Council direct Town staff and the Town Attorney to work with the appropriate Palm Beach County officials to fully evaluate whether the Town should have its own ordinance, or whether the

Town should try to go under the Palm Beach County ordinance. The motion was seconded by Committee Member Voren. The motion passed 5/0

Discussion took place and it was determined that this item would be moved into an update category for the Committee.

2. Ordinance 2010-002 – Pain Management Clinics

Town Manager Kutney requested deferral of this item until the next meeting, so that more information could be gathered.

Brief discussion took place.

Motion: Committee Member Voren made a motion to recommend to the Town Council that pain management clinics are allowed only as an accessory use to a full service medical facility, provided that it was legal to do that. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

Chair Standish that recommendation would recommend to and encourage the Town Council to strongly evaluate what the County had to offer, and to look at it for consistency. She noted that this item would be moved to an update category for an upcoming Agenda item for the ULDC Committee.

3. ULDC Article 87 - Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal

This item was deferred to the next meeting.

4. Discussion of Agricultural Issues *(see excerpt from July 18, 2013 Minutes in this regard – attached to Agenda Packet)*

Town Manager Kutney explained that staff was looking for the Committee's direction as to a definition of "accessory structure."

Motion: Committee Member Voren made a motion to recommend that staff create a standard in the zoning code relative to accessory structures. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

Town Planning Consultant Fleischmann suggested that the subject of agriculture is the focus of the rest of the ULDC Committee meetings. He noted that he had identified 14 Florida Statutes that address the issue of agriculture. He proposed that staff put together a summary of these and of the definition of terms with the word agriculture that were in the Town of Loxahatchee ULDC and use that as a basis for the Committee to go through the Code to determine what sections of the Code might be deleted, or what sections needed to have specific references to the Florida Statutes (a statutory citation).

Chair Standish commented that she did not thing agriculture should even be in the ULDC, and that the Florida Statutes take care of it. She questioned the Town's legal authority to touch agriculture.

Mr. Fleischmann explained that there were two uses: agriculture, and bone fide agriculture. Florida Statutes define both of those terms, and we need to know exactly what those terms mean. It was very difficult now for staff to evaluate different requests and proposals, because each time staff had to research the Florida Statutes. He was suggesting a supplementary document that could be used by the land planner as well as the property owners.

Discussion took place regarding taking agriculture completely out of the ULDC. Town Manager Kutney noted that if all references to agriculture were taken out of the ULDC, the whole zoning code would need to be re-done.

Vice Chair Davis commented that having some staff member that understands agriculture properties and the Town would allow things to run smoother.

Committee Member Ryan commented that staff did not want to interpret the Florida Statutes; a general reference could be made to the fact that agriculture is primarily determined by the Palm Beach County Property Appraiser, according to the Florida Statute 193.461. Committee Voren replied that was for assessment purposes.

Public Comment

Todd McLendon, 3481 "D Rd.: Commented that the Florida Statutes say that agriculture is not development. If it was not development, then why is there anything about agriculture in the Town's development code – it should not be in the development code.

Mr. Fleischmann replied that it is a land use, and land uses are in the Town's code. The zoning portion of the ULDC relates to land use, and that is why it is in there. Agriculture is a land use, so it can be in the zoning portion of the Code.

Motion: Committee Member Voren made a motion to recommend that all verbiage that regulates agriculture in any way, or mentions agriculture (other than in referencing the Florida Statutes or the land use) is removed from the ULDC.

Mr. Fleischmann commented that the biggest issue that he has is bona fide agriculture, and who does it and when. He felt that there is a gap between when the property owner proposes an agriculture operation and when the actual bona fide agriculture designation is received. During that period he questioned whether the Town should have any role in regulating what is on that property, until it becomes bona fide agriculture. The Town should not have to be in the position of relying on code enforcement every time something comes up. The Town should have the ability to look at a project up front.

Public Comment

Thias Gonzales, 13020 Raymond Dr.: Commented that she did not agree with deleting every word in the Code that says agriculture. The Florida Statutes were completely open to interpretation, and there needed to be agreement on whether there was a difference between agriculture and bona fide agriculture.

Committee Member Ryan suggested that the Town could require a clean-up bond and an agreement during the gap period that would let property owners know beforehand that the Town would be monitoring their activities on an annual basis.

Further discussion took place.

Chair Standish clarified that the motion made by Committee Voren regarding the agriculture verbiage would be tabled until the next meeting, at which time Town Planning Consultant Fleischmann would be first on the Agenda, and could provide information on the different opinions on agriculture and have it all together in one package so that everyone has the same information to look at. The item would be on the next ULDC Agenda under Old Business.

Committee Member Voren stated that the AGO questions he had submitted needed to be tabled to the next meeting also.

b. New Business - *None*

3. CLOSING & ADJOURNMENT

Town Manager Kutney advised that he would ask the Town Council if there were any additional items, concerns, or issues that they have that they would like the ULDC Committee to review.

Committee Member Voren commented that he was extremely disappointed in the forward movement of the ULDC Committee; the Committee had never come back to Article 75, regarding nonconforming issues. He requested that it be brought back on the next Agenda.

Town Manager Kutney replied that staff would schedule it.

Chair Standish commented that at the last Town Council meeting, Keith Harris had made a public comment and said that the ULDC Committee had not made any decision on commercial equestrian. She stated that she remembered a motion being made that it was recommended that would be a permitted use.

Town Manager Kutney explained that Mr. Harris was concerned that there were folks that had gotten quick relief from the Town Council, and that his own issue had been dragging on. He stated that staff had been working with Mr. Harris and trying to assist him in the matter. In September, staff will move forward with it to the Planning and Zoning Board.

Public Comment

Todd McLendon, 3481 "D" Rd.: Commented that since the Planning and Zoning Board only met when there were zoning applications, perhaps the ULDC Committee would meet twice per month, and staff could invest that time with the ULDC Committee.

Town Manager Kutney noted that Florida Statutes require that zoning applications had to go through the Land Planning Agency prior to going before the Town Council.

There being no further business, the ULDC Review Committee meeting of August 15, 2013, was adjourned at 7:55 p.m.

Susan Eichhorn, Town Clerk

Virginia Standish, Chair

The next meeting of the Unified Land Development Code Review Committee will be held on October 17, 2013 @ 5:30 p.m.

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, September 19, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA

Public Comment will be taken after each Agenda item

1. OPENING

a. Call to Order – *Chair Standish*

b. Roll Call – *Town Clerk Eichhorn*

c. Approval of Agenda

2. MINUTES: Approval of ULDC Review Committee Minutes for: August 15, 2013

3. REGULAR AGENDA

a. Old Business

1. Discussion of Agricultural Issues
2. Article 75 – Non-conforming Issues
3. Update Regarding Flood Insurance Rate Maps and Flood Plain Ordinance
4. ULDC Article 87 - Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal
5. Discussion of Questions for the AGO (*Howard Voren*)

b. New Business

1. Discussion of ULDC Sign Provisions – Article 90

3. CLOSING & ADJOURNMENT

The next meeting of the Unified Land Development Code Review Committee will be held on October 17, 2013 @ 5:30 p.m.

Comments Cards: Anyone from the public wishing to address the ULDCRC 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 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 ULDCRC 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.

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, September 19, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

MINUTES

1. OPENING

a. Call to Order – *Chair Standish*

Chair Standish called the meeting of the Unified land Development Code Review Committee to order at 5:40 p.m.

b. Roll Call – *Town Clerk Eichhorn*

Upon roll call, Committee members present were Chair Standish, Vice Chair Davis, Member Hyslop, Member Ryan and Member Voren. Also present were Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, Town Planning Technician Braeden Garrett, and Town Clerk Susan Eichhorn.

c. Approval of Agenda

Committee Member Ryan made a motion to approve the Agenda. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

2. MINUTES: Approval of ULDC Review Committee Minutes for: August 15, 2013

Motion: Committee Member Voren commented that he objected to the language on page 4, wherein his motion regarding removing all verbiage regulating agriculture from the ULDC included the sentence: "The motion died for lack of a second." He noted that at a later point in the meeting, his motion had been tabled. He then made a motion to amend the minutes and bring them back for approval on the next Agenda. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

3. REGULAR AGENDA

Committee Member Ryan made a motion to add an item to the Agenda: Old Business No. 6. Discussion of Residential Enterprise, and to approve the Agenda, as amended. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

a. Old Business

1. Discussion of Agricultural Issues

Town Planning Consultant Jim Fleischmann provided information to use as a basis for Committee recommendations. He noted that he was not asking for any kind of action on it tonight, but it is was information that the Committee and staff could use to help in the decision making process and also to help to focus on some specific issues. The first handout:

- Matrix with definitions in Florida Statutes. This is for reference material and to be used as a reference point when discussing agriculture.
- Florida Map showing all of the bona fide designated properties in the Town and a table summarizing agriculture exemption classifications by the Palm Beach County Property Appraiser. He noted that some portions of properties designated

bona fide agriculture did not have the agriculture exemption and would be subject to the land development regulations – it creates a problem for the staff, because the Property Appraiser will not tell staff what portions of the property are agriculture and what portions are not agriculture.

- Copies of every section of the Town Code that deals with agriculture in any way. This could be used as a basis for the ULDC Committee recommendations. The agriculture sections are highlighted in yellow.

Discussion took place.

Town Planning Consultant Fleischmann stated that we may have to have something in the ULDC that deals with the circumstance when entire properties do not have the agriculture exemption. Perhaps having a survey done on the non-agriculture portion of the property may be the answer to help staff deal with these issues.

Committee Chair Standish said that she is puzzled because you have to have a survey when you buy the land. When you build you are asked to provide a survey of the land. The property owner sets the point within the land for the one acre where the house sits.

Mr. Fleischmann replied that we need to have a procedure in the ULDC as to how to deal with properties having split uses. Example: 10 acres and bona fide agriculture on part of it, and then you have a house, and then on the other 5 acres you want to do residential enterprise. Residential enterprise can be a non-agriculture business, and how does it go on that agriculture exempt property. The property owner would have to come in and get the approvals for a conditional use and do a site plan on a property that has an agriculture exemption. He summarized that all he was saying was that there should be a procedure in the ULDC to be sure that everyone, including property owners, knows how staff addresses those issues when they come up.

Committee Member Voren stated that it was his impression, from the last meeting, that we were supposed to be presented with some compelling reason as to why we should leave agriculture in the ULDC.

Town Manager Kutney responded that right now the Town is an agricultural residential (AR) community. If agricultural was taken out of the AR district, then you would have only a residential district, which would then be residentially zoned.

Chair Standish explained that the Committee was asking agriculture to be removed from the ULDC and allow Florida State Statutes to govern agriculture.

Committee Member Ryan distributed a memo to the Committee members that he said simplifies the process.

Mr. Fleischmann noted that he also has put together a book that gives all of the State Statutes related to agriculture. Chair Standish asked that it be emailed to the members of the Committee.

Town Manager Kutney provided information on zoning districts and how they work. He explained that the Town has a stand-alone system. In those stand-alone systems are three components:

1. Purpose and Intent.
2. Permitted Uses
3. Supplementary Material

Public Comment:

Nina Corning, 2834 E Rd.: Commented regarding Florida Statutes and bona fide agriculture, suggesting that the ULDC simply reference the Florida Statutes. In reference to the definition in the non-bona fide area, they should be reviewed.

Committee Member Ryan commented that we should get staff out of the consulting business, and let the property owner make his own determination as to what he can do with the property. The property owner would need to go to the property appraiser, or get a lawyer or a consultant if he wants to go beyond that.

Public Comment:

Todd McLendon, 3481 D Rd.: Commented that if property is bona fide agriculture it is not regulated by the ULDC. If it is a hobby agriculture it can be regulated. Florida Statutes say agriculture is not development.

Town Manager Kutney responded that the ULDC does not just strictly relate to development – it relates to all rules and regulations. The ULDC implements the Comprehensive Plan. The ULDC is a very broad code covering many areas.

Further discussion took place.

Public Comment:

Nina Corning, 2834 E Rd.: Commented regarding the financial obligation on property owners having to provide a bond.

Town Manager Kutney made one distinction regarding hobby agriculture – someone who is a hobby agriculture, but the primary use is still a single family home and it could not be made a farm all of a sudden.

Public comment:

Nina Corning, 2834 E Rd.: Commented that it has become much harder to get bona fide agriculture exemptions. There will be a lot of horse farms who will not be bona fide, but who will need protection with the ULDC.

Maureen Lefkowitz, 3485 D Rd.: Commented that she respected the sanctity of the country and the environment that this Town represents, and she recognized that people have come here for different reasons, and there should be a respect of neighbors too.

At this time, Town Manager Kutney noted that the Committee and staff had discussed having two meetings in October, November, and December, and requested a schedule. He also noted that he had asked the Town Council to give him any final items that they wanted the ULDC Review Committee to discuss.

It was determined that the next meeting dates would be October 3rd and October 17th; November 7th and November 21st; December 5th and December 19th. All would begin at 5:30 p.m.

Chair Standish stated that at the next meeting she would like to see a bullet point of all of the issues to be discussed. Mr. Kutney said he will provide that after October 1st, when he hears from the Town Council.

2. Article 75 – Non-conforming Issues

Town Manager Kutney advised that Article 75 will take some time to discuss and he suggested that discussion take place at the next meeting.

3. Update Regarding Flood Insurance Rate Maps and Flood Plain Ordinance

Town Manager Kutney advised that he would give one final update at the next ULDC Review Committee meeting, and then this item will come off of the agenda.

4. ULDC Article 87 - Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal

Committee Member Voren read his email dated August 16, 2013, to Mark Kutney, regarding invasive tree species, into the record.

Town Manager Kutney advised that staff is working on an ordinance that was going to say that the existence of any Brazilian Pepper, Australian Pine or anything on the species list (Class 1) put out by the State will not be permitted within 10 ft. of the District or Town right-of-ways, and that it would not be permitted to exist; that the Town would remove it one time and the people would not be allowed to have it grow back.

Public Comment:

Nina Corning: because of the root systems, you have to be very careful with herbicides/chemicals when you start to affect root systems that are not in the right of way.

Town Manager Kutney replied that staff is working on it, and that he thought it would address Mr. Voren's concerns.

Committee Member Voren suggested getting away from the word "right-of-way," and use thoroughfare. Chair Standish requested that staff provide the list of which class of species, which list you are referring to, and provide both lists to the Committee.

5. Discussion of Questions for the AGO (*Howard Voren*)

After discussion, it was the consensus of the Committee that the discussion relative to the questions for the AGO would be tabled to the next meeting

6. Discussion of Residential Enterprise

Town Manager Kutney stated that the Town Council had referred this issue for discussion of the ULDC Review Committee, and was looking for input.

Mr. Fleischmann said that for a variety of reasons the Town Council had decided it needed to take a look at a couple of issues related to residential enterprise, which is a conditional use. In Article 80-020, the Town Council wanted the deletion of Item H. Staff had initially thought it was to be revised, but the Town Council wanted it to be eliminated.

Town Manager Kutney explained the situation that had led to the Town Council amending Section 80-020 of the ULDC, however, when the Planning and Zoning Board had reviewed it, they recommended denial of the amendment, because all residential properties would be allowed to be commercial if the amendment passed. When the ordinance got to the second reading for approval, it failed. The Town Council then requested that the amendment come back again in another ordinance. Staff took that to the Planning and Zoning Board, where again the Planning and Zoning Board recommended denial.

Mr. Fleischmann explained that the amendment to Section 80-020(h) would allow up to three customers on the premises. After the Planning and Zoning Board had recommended denial for the second time, the amendment went to the Town Council, as Ordinance No. 2013-05. The Town Council passed a motion to approve on first reading, with the direction that the entire residential enterprise section of the ULDC was referred to the ULDC Review Committee for

comment. Mr. Fleischmann noted that if the three customer limit was removed, that would tell him that someone could have as many customers as they wanted.

Town of Loxahatchee Groves Councilman Goltzené commented that if Mr. Kline cannot have people show up, his ATF license cannot work. If the Town Council feels that the Town is opened up to too much exposure, then perhaps Mr. Kline would need to rent some commercial space. ATF said that the current situation was not working, and Mr. Kline came to the Town Council to ask for some accommodation.

Town Manager Kutney stated that he understood the Town Council's dilemma in trying to accommodate Mr. Kline; however, he would never recommend the adoption of any regulation on the basis of one person. He warned that there could be an erosion of the AR zoning district by having a commercial component.

Public Comment:

Nina Corning, 2834 E Rd.: Commented regarding regulations as to the number of customers allowed, etc. that could be applied to residential enterprise.

Town Manager Kutney also noted that people leasing property want to have a home office, but staff cannot give them a Business Tax Receipt (BTR) because they have to have a homestead exemption. That is also something that needs reviewing

Discussion took place.

Motion made by Committee Member Voren to remove the homestead exemption requirement in order to have a home office. The motion died for lack of a second.

Motion made by Committee Member Ryan to leave Section 80-020, paragraph "h" of the ULDC the way it was originally stated, and that Mr. Kline seek other alternatives or options that are available to him. The motion was seconded by Committee Member Voren. The motion passed 5/0.

b. New Business

1. Discussion of ULDC Sign Provisions – Article 90

Town Manager Kutney reported that the Town Council has had two discussions relative to the Palms West Plaza about some of the issues going on. He noted that he had reported Tuesday night that Mr. Yee, the landlord, had indicated that he would like to make changes to the Plaza, and do some upgrades. There were a number of conditions that were approved in the Plaza in 1988. When staff had first issued the violations in March, a number of sign issues came out. The Town itself was in violation, and had been prepared to change our signage.

Discussion took place regarding tailoring the sign code to the community. Chair Standish requested that staff bring pictures of what they are talking about or even drawings, with examples of the signs that are not permitted.

Motion: Vice Chair Davis made a motion that staff look at different signs and show the Committee pictures and indicate what staff liked. The motion was seconded by Committee Member Hyslop. The motion passed 5/0.

3. CLOSING & ADJOURNMENT

There being no further business the ULDC Review Committee meeting of August 15, 2013, was adjourned at 9:10 p.m.

Susan Eichhorn, Town Clerk

Virginia Standish, Chair

(SEAL)

These minutes were approved at the October 3, 2013 ULDC Review Committee Meeting.

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, October 3, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA

Public Comment will be taken after each Agenda item

1. OPENING

a. Call to Order – *Chair Standish*

b. Roll Call – *Town Clerk Eichhorn*

c. Approval of Agenda

2. MINUTES: Approval of ULDC Review Committee Minutes for: August 15, 2013, as revised; September 19, 2013.

3. REGULAR AGENDA

a. Old Business

1. Discussion of Agricultural Issues

2. Final Update Regarding Food Insurance Rate Maps and Flood Plain Ordinance

3. Ordinance 2010-002 – Pain Management Clinics

The motion below was made at the 8-15-13 ULDC meeting and Town Manager Kutney has directed that it be put on the October Agenda.

Motion: Committee Member Voren made a motion to recommend to the Town Council that pain management clinics are allowed only as an accessory use to a full service medical facility, provided that it was legal to do that. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

Chair Standish that recommendation would recommend to and encourage the Town Council to strongly evaluate what the County had to offer, and to look at it for consistency. She noted that this item would be moved to an update category for an upcoming Agenda item for the ULDC Committee.

4. ULDC Article 75 – Non-conforming uses

5. ULDC Article 87 – Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal

6. Discussion of Questions for the AGO *(Committee Member Howard Voren)*

7. Discussion of ULDC Sign Provisions – Article 90

8. Discussion of Residential Enterprise and Home Offices *(Item again referred to the ULDC Review Committee by the Town Council at its 10-1-13 meeting)*

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, October 17, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA

Public Comment will be taken after each Agenda item

1. OPENING

a. Call to Order – *Chair Standish*

b. Roll Call – *Town Clerk Eichhorn*

c. Approval of Agenda

2. MINUTES -*None*

3. REGULAR AGENDA

a. Old Business

1. Discussion of Agricultural Issues

2. Ordinance 2010-002 – Pain Management Clinics (update item for an upcoming Agenda per Chair Standish at 10-3-13 ULDC Review Committee Meeting

The motion below was made at the 8-15-13 ULDC meeting and Town Manager Kutney has directed that it be put on the October Agenda.

Motion: Committee Member Voren made a motion to recommend to the Town Council that pain management clinics are allowed only as an accessory use to a full service medical facility, provided that it was legal to do that. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

Chair Standish that recommendation would recommend to and encourage the Town Council to strongly evaluate what the County had to offer, and to look at it for consistency. She noted that this item would be moved to an update category for an upcoming Agenda item for the ULDC Committee.

3. ULDC Article 75 – Non-conforming uses

4. ULDC Article 87 – Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal

5. Discussion of Questions for the AGO *(Committee Member Howard Voren)*

6. Discussion of ULDC Sign Provisions – Article 90

7. Discussion of Residential Enterprise and Home Offices *(Item again discussed to be referred to the ULDC Review Committee by the Town Council at its 10-1-13 meeting)*

b. New Business - *None*

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, October 17, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA- ADDENDUM 1

To Agenda Packet for ULDC Review Committee Meeting of October 17, 2013:

Minutes of ULDC Review Committee Meeting of October 3, 2013

The next meeting of the Unified Land Development Code Review Committee will be held on November 7, 2013 @ 5:30 p.m.

Comments Cards: Anyone from the public wishing to address the ULDCRC 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 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 ULDCRC 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.

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, October 3, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

MINUTES

1. OPENING

a. Call to Order – *Chair Standish*

Chair Standish called the meeting of the Unified land Development Code Review Committee to order at 5:40 p.m.

b. Roll Call – *Town Clerk Eichhorn*

Upon roll call, Committee Members present were: Chair Standish, Vice Chair Davis, Committee Members: John Ryan and Howard Voren. Committee Member Beck Hyslop arrived at 5:45 p.m. Also present were Town Manager Kutney, Town Planning Consultant Jim Fleischmann, Planning Technician Braeden Garrett, and Perla Underwood, Underwood Services Management Group (UMSG).

c. Approval of Agenda

MOTION: Committee Member Ryan made a motion to approve the Agenda. The motion was seconded by Committee Member Voren. The motion passed 4/0.

2. **MINUTES:** Approval of ULDC Review Committee Minutes for: August 15, 2013, as revised; September 19, 2013.

MOTION: Vice Chair Davis made a motion to approve the Minutes of August 15, 2013, as revised, and September 19, 2013 The Motion was seconded by Member Voren. The Motion passed 5/0.

3. REGULAR AGENDA

Town Manager Kutney reviewed the authorization from the Town Council for ULDC and advised about the expenses for this project to date. Schedule changes were not included, such as Special Exceptions and several other matters. Mr. Kutney advised that he believes that the discussion on Agriculture needs to be about 30 minutes tonight and go on to the other matters as well. The Town Council had also referred several other items to the ULDC Review Committee for discussion.

Committee Member Hyslop suggested that the Committee come up with five major issues with respect to Agriculture. Mr. Kutney advised that if the Committee thinks there is a problem with Agriculture, then take a motion and state the reasons why the Committee thinks the Town Council should take a look at agriculture in the code.

Committee Member Voren discussed the items that have been presented to the Committee that takes time from the work they were established for. He stated that he believes that there needs to be a blanket statement regarding Agriculture for the Code.

Committee Member Ryan stated that the Florida Statute language he provided is sufficient submittal to the Town Council, along with a recommendation from the UDLC Review Committee.

Chair Standish commented that she had some concerns about relying on the Property Tax Appraiser, and that as a member of the FACC she hoped that the Town Manager would ask for more money to fund this Committee to continue.

a. Old Business

1. Discussion of Agricultural Issues

Town Planning Consultant Fleishmann presented copies of a section in the ULDC Section 05-015 A-E and he suggested a paragraph "F' to be inserted, which was regarding language regarding agriculture. [With regard to agriculture land classification and right to farm determinations – the Town defers to applicable State Statutes and court precedents. It is the responsibility of a land owner to understand and qualify for any appropriate agriculture land classification and associated tax and operational benefits] Committee Member Voren commented that he did not believe the second sentence in paragraph "F" needed to be included. Committee Member Ryan advised that it was included to insure that the Town staff would not be providing information and answers to land owners. Mr. Voren advised that the second sentence should not include the language "and associated tax and operational benefits."

05-015 (F)

Motion: Committee Member Ryan moved to approve recommending to the Town Council the addition of Section "F" as amended (removal of the language "and associated tax and operational benefits"), as an introduction to the ULDC. The motion was seconded by Committee Member Hyslop.

with regard to Agriculture LAND CLASSIFICATION AND RIGHT TO FARM DETERMINATIONS, the TOWN defers to APPLICABLE STATE STATUTES AND COURT precedents, IT is the responsibility of A LAND OWNER to UNDERSTAND AND QUALIFY for ANY APPROPRIATE AGRICULTURE land CLASSIFICATION.

Discussion took place.

Chair Standish commented that she wanted to know if she would need an agricultural classification to have personal livestock. Town Manager Kutney replied that an agricultural classification was not needed now for that purpose.

Public Comment:

Larry Lefkowitz, "D" Rd.: Commented that a few years ago there was a ULDC Committee in Palm Beach County and they made recommendations to change their ULDC, and these changes were turned down by Palm Beach County. There were two local residents that participated in that, and he produced a copy of that document with the recommended changes, for review by the Town ULDC.

Nina Corning, "E" Rd.: Commented regarding clarification of the ULDC for property that was classified as agricultural.

The motion passed 4/1, with Chair Standish dissenting.

Town Planning Consultant Fleishmann advised that he had previously handed out the Town's ULDC that had references to agriculture and requested that the Committee review this on their own and bring it back at the next meeting with their revisions, suggestions, etc. He had given four alternatives for the Committee to consider – whether to scrap them, revise them, move them all to one section, or take them all out and create an agriculture ordinance. He referred to two other sections that he wanted the Committee to review: Section 20-30(D)(2), and Section 87-015(C)(1).

Town Manager Kutney noted that previous to 1995, the Growth Management Act, most municipal governments had a series of codes that dealt with land development. When the legislature amended the Growth Management Act, it said that all of the codes should be put into a unified land development code, so that code included zoning, subdivision requirements, environmental regulations, etc. He wanted the Committee to understand that the ULDC has all of that and more, not merely development.

Chair Standish questioned the definitions that Mr. Fleischman had previously provided, and that there was a definition for grooms quarters, and she wanted to be sure that it was added in with the final recommendations of the Committee. Chair Standish asked about equine activity and there was a statement at the Planning and Zoning Board meeting about traffic being generated by such activity, however, under Florida Statutes equine activity was inclusive of rodeos. Town Manager Kutney replied that equine activity and rodeo is not the same thing. A rodeo was a commercial use, not an agriculture use.

Public Comment:

Nina Corning, "E" Rd.: Commented that the Statute was speaking in reference to liability.

Town Planning Consultant Fleischmann explained that every one of the Statutes that had a definition section in it almost always had a statement that said "as used in this chapter." So, if it was a liability chapter, then the definition of equine activity as used in interpreting the liability section of that Statute. That is what makes the Statutes such a complicated document to review and interpret.

He explained that in the document he had prepared for the Committee, he had put together a matrix that had all of the definitions in the Statutes he could find that referred to agriculture and his main point was to illustrate how many Statutes there were and how many definitions had the same term, making it very complicated for anyone to use.

Town Manager Kutney made the point that some members of the Committee may think that staff was regulatory and development happy, and that was not the case. The regulations are in place to protect the community. One of the main reasons for zoning is the protection of property values. If you took all agriculture out, there would be no protection for the community.

Voren said that he believed that it should be stated in the code that anything that was considered agriculture by the Florida Department of Agriculture was permitted in the Town of Loxahatchee Groves, and he added that there should not be items pulled out or segregated to be included in the Code as permitted.

Town Manager Kutney replied that Mr. Voren's statement would protect one class, which is agriculture, however residential is part of that zoning district and would be affected.

2. Final Update Regarding Food Insurance Rate Maps and Flood Plain Ordinance

Town Manager Kutney provided a report on the Flood Insurance Rate Maps and Flood Plain Ordinance. In September FEMA was planning to bring their flood maps forward, however, because of all of the entities getting together and making a concerted effort to prove to

3. Ordinance 2010-002 – Pain Management Clinics

The motion below was made at the 8-15-13 ULDC meeting and Town Manager Kutney has directed that it be put on the October Agenda.

Motion: Committee Member Voren made a motion to recommend to the Town Council that pain management clinics are allowed only as an accessory use to a full service medical facility, provided that it was legal to do that. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

Chair Standish explained that recommendation would recommend to and encourage the Town Council to strongly evaluate what the County had to offer, and to look at it for consistency. She noted that this item would be moved to an update category for an upcoming Agenda item for the ULDC Committee.

Town Manager Kutney explained that the Town Council adopted a moratorium in regard to pain clinics, but never took any action on the moratorium. He indicated that if the Committee wanted to stand by the motion made at the August 15, 2013 ULDC Review Committee meeting, that is what would be recommended to the Town Council. The bottom line is we have to do something with the moratorium.

Motion: Committee Member Ryan made a motion to add to the motion that we have already adopted (on August 15, 2013) and elaborate that the Town Manager review what is working for other municipalities and also review State legislation and provide input to the Town Council. Motion seconded by Committee Member Hyslop The motion passed 5/0.

4. ULDC Article 75 – Non-conforming uses

This item was tabled until the next ULDC Review Committee meeting to be held on October 17, 2013.

5. ULDC Article 87 – Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal

This item was tabled until the next ULDC Review Committee meeting to be held on October 17, 2013.

6. Discussion of Questions for the AGO *(Committee Member Howard Voren)*

This item was tabled until the next ULDC Review Committee meeting to be held on October 17, 2013.

7. Discussion of ULDC Sign Provisions – Article 90

This item was tabled until the next ULDC Review Committee meeting to be held on October 17, 2013.

8. Discussion of Residential Enterprise and Home Offices *(Item again referred to the ULDC Review Committee by the Town Council at its 10-1-13 meeting)*

Town Manager Kutney noted that he had mentioned earlier that the Town Council had referred discussion of Residential Enterprise and Home Offices to the ULDC Review Committee.

Mr. Kutney explained that the Town Council again failed to pass the Residential Enterprise ordinance, and requested that staff come back to the ULDC Review Committee. He reviewed the history of the ordinance, and noted that there were many problems with residential enterprise and home occupations. Staff recommendation was to allow staff to review and offer some amendments to home office/residential enterprise, and also to address the historical legacy issue in terms of the sale of hay in the Town. Staff had taken a look at looking at a sliding scale with home offices and foot traffic, which would involve several categories of home office use. The Town Council was looking for input from ULDC on thoughts on home occupation/residential enterprise.

Committee Member Ryan advised that he feels we should eliminate Residential Enterprise and just allow home occupation.

Discussion took place.

In response to discussion regarding the discussion of Vice Mayor Jarriel with ATF regarding the residential enterprise aspect of gun sales, Town Planning Technician Garrett advised that he had followed up with ATF, and the ATF contact had indicated that she could not draw conclusions from what our code stated. If the Town code said no foot traffic, then ATF would not renew the gun license. She had indicated to Councilman Jarriel the pros and cons of allowing foot traffic. She indicated that she had pointed Vice Mayor Jarriel to some other municipal ordinances that he could review. Mr. Garrett also explained that the current code requires a homestead exemption for residential enterprises and home occupations.

Town Manager Kutney explained the traditional ways to control home occupation would be to require parking spaces, limit the amount of employees, limit square footage that can be used in home for the occupation, etc. If done under special exception then there is a development order that could control the use.

Town Planning Consultant Fleischmann explained that the Town Council had voted to keep the ordinance the way it was currently written in the code. He advised that he had obtained a good list of acceptable home occupations that were permitted, along with other regulations, and stated that it would alleviate a lot of concerns if something like that was adopted by the Town.

Discussion took place.

Motion: Committee Member Ryan made a motion to recommend to the Town Council that residential enterprise be kept as it is in the code currently. The motion was seconded by Committee Member Voren. The motion passed 5/0.

Motion: Committee Member Voren made a motion to recommend to the Town Council that home occupation be by appointment only and be service based businesses only The motion was seconded by Committee Member Ryan. The motion passed 5/0.

9. Unsafe Structures in the Town

Town Manager Kutney explained that there was currently an Interlocal Agreement with Palm Beach County for in progress building permit inspections. The process involves an applicant bringing the permit into the Town office for zoning approval. The permit is then brought to Palm Beach County and they do the building permit review and do all inspections, etc. That Interlocal Agreement is problematic as it relates to unsafe structures because only a Building Official can declare a structure unsafe, and the Town does not have a Building Official. The Code Enforcement vendor has personnel that could act as a Building Official, however, there is a question as to whether the Town can hire someone else as a building official, outside of the agreement with the County. A topic came up at the Town Council regarding an unsafe structure in the Town, and the Town Council would like the Committee's input on unsafe structures and the Interlocal Agreement with Palm Beach County. Mr. Kutney noted that if the Town ever experienced a hurricane, someone would be needed on site to declare structures unsafe. He offered that there were alternatives that could be considered: the Town could continue to follow the current procedure; the Town could contract with another municipality; the Town could move forward and create its own Building Official process; or the Town could contract with a private entity. Town Attorney Cirullo is also looking into the matter.

Discussion took place.

Motion: Committee Member Hyslop made a motion to recommend to the Town Council that all five alternatives are considered, and that the ULDC Review Committee suggests the option of hiring a private entity to be the full service provider as building official. The motion was seconded by Committee Member Voren. The motion passed 5/0.

****

At this time Committee Member Voren commented that the minutes that had been approved for September 19, 2013, needed clarification.

Motion: Committee Member Voren made a motion to reconsider the minutes of September 19, 2013. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

Mr. Voren referred to page 17 of 33 of the Agenda Packet, wherein the minutes reflected that a motion was made by him to remove the homestead exemption requirement in order to have a home office. The minutes then reflected that the motion died for lack of a second, and Mr. Voren questioned that.

Town Manager Kutney noted that he had discussed that motion with the Town Clerk, and that it had died for lack of a second. Perla Underwood indicated that the video had been watched and it had been noted that the motion died for lack of a second. She also suggested that when a motion was made by a member of the Committee, that a second to the motion is made as well, and then discussion could take place, rather than making a motion and discussing for a lengthy period of time before any second was obtained. She indicated that the question of the accuracy of the minutes of September 19, 2013 was now resolved. She suggested that the language regarding not having to be homesteaded could be included in the motion made this evening under discussion of Residential Enterprise and Home Offices, if the Committee so desired.

Discussion took place regarding proof of residency.

Chair Standish commented that she understood that the minutes were correct; this issue would be further discussed at the next meeting, since there was not time left for discussion this evening.

b. New Business

1. Item referred to the ULDC Review Committee by the Town Council at its 10-1-13 Town Council meeting: Unsafe Structures in the Town of Loxahatchee Groves

3. CLOSING & ADJOURNMENT

There being no further business, the ULDC Review Committee meeting was adjourned at 8:00 p.m.

Susan Eichhorn, Town Clerk
(SEAL)

Virginia Standish, Chair

These minutes were approved at the October 17, 2013 meeting of the Unified Land Development Code Review Committee

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett. Seat 2

Florida's Last Frontier

Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, October 17, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA- ADDENDUM 1

To Agenda Packet for ULDC Review Committee Meeting of October 17, 2013:

Minutes of ULDC Review Committee Meeting of October 3, 2013

The next meeting of the Unified Land Development Code Review Committee will be held on November 7, 2013 @ 5:30 p.m.

Comments Cards: Anyone from the public wishing to address the ULDCRC 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 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 ULDCRC 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.

Florida's Last Frontier
Town of
LOXAHATCHEE GROVES

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

Thursday, October 17, 2013 at 5:30 p.m.

Palms West Chamber of Commerce

Committee Chair Virginia Standish
Committee Vice-Chair Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Perla Underwood-Underwood Management Services
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

MINUTES

1. OPENING

a. Call to Order – *Chair Standish*

Chair Standish called the meeting of the Unified Land Development Code Review Committee To order at 5:41 p.m.

b. Roll Call - *Perla Underwood*

Upon roll call, Committee Members present were: Chair Virginia Standish, Vice Chair Katie Davis, and Committee Members; Beck Hyslop, John Ryan, and Howard Voren. Also present were Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, Planning Technician Braeden Garrett, and Perla Underwood from Underwood Management Services Group (UMSG).

c. Approval of Agenda

MOTION: Committee Member Ryan made a motion to approve the Agenda. The motion was seconded by Committee Member Voren. The motion passed 5/0.

2. **MINUTES:** Approval of ULDC Review Committee Minutes for: October 3, 2013.

MOTION: Committee Member Voren made a motion to approve the Minutes of October 3, 2013. The motion was seconded by Committee Member Ryau. The motion passed 5/0. To amend page 3 of 8 regarding the Motion by John Ryan should read as follow to include Section 05-015F . Passed 5/0/.

Town Manager advised about the scheduling for these meetings. WA considerations and other matters that were taken up by the Committee. Recommending no meeting on November 7 but rather have our regular 21nd November meeting with 2 meetings in December. Voren advised that he had complained to Vice Mayor Jarriel on this matter and cannot understand why the Committee needs to address Town Council items until the Committee has completed their original work.

JF stated that Special Exceptions going to Council at November 5, 2013 meeting.

3. **Old business**

a. **Discussion of *Ag***
JF advised that at the last meeting he handed out all areas in the Code that Ag is included in. JF advised that the new introduction into the code from the Section F language. When determining what language will be removed, a spreadsheet was provided with several options for the Committee's consideration.

Virginia discussed informational packet that she provided the Committee and Staff and requested this item be placed on the next meeting Agenda. Ryan advised that on page 4 of the memo discussed the focus was there are certain nuisance regulations that Town's can adopt.

Beck reflected that many of these items are in definitions section. Questioned if these items should be in definitions.

MK suggested the Committee just provide a recommended to the Council for consideration.

Voren feels the statement composed is all that is needed in the ULDC.

Davis advised that she believes that the Town does need regulations to protect the community.

Beck asked if the code needs definitions. MK advised that the State definitions should be included.

Todd McKlendon advised that the PBC Animal Control can enforce those codes rather the town spending its money that is duplicating. Ryan advised the general statement is correction and beyond that if dealing with nuisance sanitation, and public safety ordinances that apply to many things is the approach that is easy to explain.

Todd advised that 5 months ago the Committee to vote Ag out of the CODE.

Larry Levolwitt feels that he would like to be protected and is recommending regulations to protect citizens.

Virginia advised that the Committee has its umbrella statement that refers to activity of Agriculture, issues that are not Ag specific items should be included.

Nina Corning advised that if the Town can eliminate duel regulate in the Town. Recommended states that Town recognizes Bona fide Ag.

Virginia likes agencies and regulatory agencies at PBC that have jurisdiction, eliminate duplication of regulations.

Voren Moved that all references to Ag in the ULDC that either regulate or define be removed, and the banklet statement about Section and the Ag reference in the land clearing section identified by JF be retained. Ryan SECONDED motion.

Ryan requested that the regulatory agencies of PBC or State and right of the town to establish nuisance statutes that they can legal be included. Voren Moved, Seconded Ryan. Motion passed 3-2. Beck & Davis opposed.

b. Pain Clinics

RPB ordinance does not address the issue relative to Pain Management Clinic. Believes the motion that was previously made is sufficient. All agreed.

4. Non Conforming Uses

Historical legacies, 46% of lots are less than 5 acres.

Section in the code currently about giving up footage for right of way does not make the lot non conforming. JF suggesting that a new procedure be created that beginning in January 1, 2005 that is on County list for non corforming will be included as legal non conforming going forward. Must detail with non conforming lots separately from non conforming structures.

Structures that were approved by the County that are non conforming uses or structures will become legal non conforming structures and uses and plots of land.

Voren does not like the word "not withstanding" and substitute the word with "despite. Moved, Seconded by Beck. 5/0.

Section 75-035 is about legacies businesses was reviewed by JF.
Virginia asked about item (E) about code violation. Would recommended that the previous violation must have come into compliance then they should not be affected by this item (E).

Ryan in Section (C) would like to include that operations will not be allowed to be diversified and expanded into another business activity over and above, and (G) should included A-F. With reference to (C) In the event of sale of transfer to non family member will be null and void. Todd McKlendon questioned about the expansion and questioned when it stops the expansion. JF stated that in the Special exceptions will set certain conditions with respect to the business.

Nina - questioned about the issue of Bldg expansion that requires a permit can be tracked easily if the permit was issued.

Secton 75-030 (B) there is an inconsistency with Section 20-035. JF recommended using section 75-030 and strike the reference in the 20-035 to be consistent with 75-030. Ag rules would apply to these non conforming lots that are Ag.

Voren questioned several sections that should be addressed by Staff as follows:
Bring back 75-005 Bring back to Committee and
Section 75-021 (C) and (F)will also be looked at and clear up the language. Consideration about acts of God should be included .

JF should look at the set backs as well. Mk recommended that Council did not identify this by Council.

Recommended Rename Article 20 to Rural Residential. Recommend
Voren moved to accept Davis Seconded 5.0.

5. Native Tree Preservation
Postponed
6. Discussion of Queston for AGO

Voren advised that questions for the AGO were recommended. Ryan objected by creating a controvery. Does the Committee want to recommend to Council to have the Attorney to request the opinion of the AGO.

7. Discussion of sign Provisions

Postponed

8. Discussion of Residential enterprise & Home Offices

Vice Mayor had information from Port St Lucie and Highland counties with respect to Gun Sales. Beck Moved that that Home Occupations and Residential Enterprises has already determined that for services only.

9.. Adjournment
8:35 pm Adjounrment

ULDC ARTICLE 10 DEFINITIONS WITH RECOMMENDED CHANGES BY ULDC

Section 10-015. - Definitions.

(A) Any term not defined in this section shall have the meaning given by the most recent edition of Webster's Unabridged Dictionary.

Abandonment. To stop the use of property intentionally. When the use of property has ceased and the property has been vacated for six months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, substantially repair or use the property for a legally permissible use.

Accessory building or structure. A ~~separate~~ detached subordinate building or structure meeting all property development regulations, ~~subordinate in area and height to a principal building or use, as applicable, devoted to an accessory use~~ the use of which is clearly incidental and related to that of the principal building or structure, or the use of land, and which is located on the same plot with the principal building or structure or principal use of land.

Accessory dwelling unit. An accessory dwelling unit located on the same lot as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and provisions for sanitation and sleeping.

Accessory use. A permitted use naturally and customarily ~~incidental, subordinate, and subservient to~~ associated with the principal use of the premises, is subordinate in area, extent or purpose to the principal use, serves only the principal use , and is located on the same plot as the principal use. ~~The area of an accessory use shall be subordinate to that of the principal use.~~

Acre. Forty-three thousand five hundred-sixty square feet of land.

Adult day care facility. An establishment which provides day care and activities for adolescents or adults who require supervision due to physical or mental limitations.

Adult Entertainment. Any facility that features live persons, or taped or published images of persons, engaging in sexual activity or exposing specified anatomical areas, but specifically excluding naturist facilities.

Agriculture. As defined by F.S. § 570.02, as may be amended from time to time, which states: The science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.

Agriculture, bona fide. A business that receives a reduction in property tax due to the use of part or of all of the property for the production of products as defined under "Agriculture" in Section 10-015. See Ch. 193.461 F.S. and Article 65 "Bona Fide Agricultural Uses" of this Unified Land Development Code.

Alcoholic beverage. Any beverage containing more than one percent of alcohol by weight.

Alcoholic beverage establishment. Any bar, lounge, saloon, bottle club, nightclub, private club, package store or any place or premises, other than a private residence or a fast-food or full service restaurant as defined herein, where alcoholic beverages are sold or dispensed for consumption by customers, patrons or members on or off of the premises, and not in conjunction with a meal. Establishments that provide only snack foods or prepackaged foods incidental to consumption of alcoholic beverages on the premises shall be considered alcoholic beverage establishments.

Alter. "Alter", "altered" or "alteration" shall mean any change in size, occupancy or use of a building or structure; ~~any repair or modification to a building or structure, or use;~~ the erection or placement of any sign; the excavation or filling of any water area; the addition or removal of fill and movement of earth; the addition, removal or modification of any paving or landscaping.

Animal, domesticated. Any animal that has been bred or raised to live in or about the habitation of humans.

~~*Animal, large.* Any animal with a body weight of more than 150 pounds.~~

~~*Animal, small.* Any animal, including small farm animal, with a body weight of 150 or fewer pounds, but not including swine or poultry.~~

Animal manure management, commercial. The handling, storage, and treating of animal manure and soiled bedding material on a consistent and active basis including the production and wholesale of organic compost for land application as a business or a for-profit activity.

Animal manure management, private. The handling, storage, and treating of animal manure and soiled bedding material on a consistent and active basis including the production and wholesale of organic compost for land application, for private or nursery use, excluding dumping and excluding filling.

Archaeological resources. Objects and materials which yield information important in history or prehistory and are physical evidence of past human activity. Archaeological resources may be identified using on-site investigations or site predictive models.

Arterial or arterial roadway. A street having that meaning given in F.S. § 334.03, as may be amended from time to time. Arterials are identified in the Transportation Element of the Comprehensive Plan.

Auditorium. A building or complex of buildings that has facilities for cultural, entertainment, recreational, athletic and convention activities or performances.

Automobile repair, garage. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning, etc.

Aviary. A place for keeping birds confined for the purpose of raising, exhibition, or selling, including rescue.

Aviculture. The breeding, raising and care ~~production~~ of birds in captivity~~. but not including small birds (e.g., parakeets) located in the home as pets~~.

Back-out parking. A parking lot design which forces a vehicle to use the public or private right -of-way to maneuver in and out of a parking stall.

Bar, lounge or saloon. Any place devoted primarily to the retailing and consumption on the premises of malt, vinous or other alcoholic beverages not served as an accessory to meals prepared on the premises, and any place where one or more signs are displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

Bed and breakfast. An owner-occupied and operated detached dwelling unit, other than a hotel, rooming house or boarding house, where sleeping accommodations without individual food preparation facilities, are provided for transient guests, with at least one meal per day prepared within a centralized kitchen for guests included for a nightly fee, and which does not utilize outside services or employees, except for those customarily found in single-family residential neighborhoods such as housekeeping and landscape maintenance. Bed and breakfasts accept reservations directly on the premises and advertise themselves as bed and breakfasts.

~~*Boarding or rooming house*. An establishment providing transient lodging for a nightly fee that is not a hotel or bed and breakfast dwelling.~~

Building. Any structure having a solid roof and supported by columns or ~~having~~ walls ~~on all sides~~, and intended ~~used or built~~ for the shelter, housing or enclosure of persons, animals, ~~chattels,~~ equipment or goods, personal possessions, or property of any kind.

Building permit. For purposes of concurrency/adequacy determination and required parking calculations, "Building Permit" means a permit required by the Florida Building Code, as may be amended from time to time, for the erection or construction of a new building, addition to an existing building, or change in occupancy that may require additional parking pursuant to Article 95, "Parking and Loading," or may impact services or facilities subject to concurrency requirements, including one or more additional dwelling units, or additional nonresidential building area. In any other context, the term refers to any permit required under the Florida Building Code, as may be amended from time to time.

Caretaker(s) quarters. A dwelling that provides housing for a person who is employed to maintain, repair and protect the property on which the dwelling is located.

Carports. A private garage not completely enclosed by walls and doors.

Change of occupancy. The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Child care center. A place for the day care and/or instruction of children not remaining overnight, includes preschools.

Chipping and mulching. The use of equipment designed to cut tree limbs, brush or wood construction debris into small pieces including the production and wholesale of mulch for land application.

Civic center. A building or complex of buildings that house governmental offices and services, and/or which may include cultural, recreational, athletic, convention and entertainment facilities owned or operated by a governmental agency.

Club, private. Buildings and facilities or premises used or operated by associations and organizations of a fraternal or social character, not operated or maintained for profit. The term "private club" shall not include casinos, night clubs or other institutions operated as a business. Such organizations and associations shall be incorporated under the laws of Florida as nonprofit organizations.

Code compliance officer or code inspector. The officers and/or agents of the Town officially authorized by the Town to enforce the provisions of this Code.

Collector or collector roadway. A street having that meaning given in F.S. § 334.03, as may be amended from time to time.

Commercial equestrian operations. Businesses ~~and activities other than for the personal enjoyment of the property owners or lessees, and their family and friends,~~ that feature limited horse boarding, riding instruction, horse grooming and care instruction, horse training, horse breeding, guided or unguided horse back riding, and equestrian accessory uses. ~~where the ratio of human participants to horses is consistently no greater than two to one, unless the use involves a one time group instruction on horse care, training, riding, or similar equestrian instruction, whereby all participants are engaged simultaneously in such instruction.~~

Commercially zoned land. Any land or water area whose zoning district classification is Commercial Low (CL) or Commercial Low Office (CLO).

~~Community residential facility. A residential building or buildings designed or altered to provide housing, food service, and personal services to persons unrelated to the owner or manager of the facility, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents, and which is licensed by the State of Florida or other government agency for such purposes.~~

Completely enclosed building. A building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior wails or party walls pierced only by windows and normal entrance or exit doors.

Concurrency. The statutory requirement that public facilities and services needed to support development shall be available at the same time or coincidental with the impact of such development, as provided by law.

Congregate living facility. A residential land use consisting of any building or section thereof, residence, private home, boarding home, home for the aged, or any other residential structure, whether or not operated for profit, which undertakes, for a period exceeding twenty-four (24) hours, care, housing, food service, and one (1) or more personal services for persons not related to the owner or administrator by blood or marriage. In addition, the term shall include rehabilitative home care development service housing, senior housing and adult congregate living facilities for the physically impaired, mentally retarded, developmentally disabled persons, or persons sixty (60) years of age or older.

Congregate living facility, Type 1. A congregate living facility that provides a residence for no more than six (6) persons.

Contiguous. Directly adjoining; immediately adjacent; contiguous plots have at least one side of each plot which touches one side of the other plot or plots with no separator between the plots including, but not limited to, a public right-of-way, private street, or canal.

Day labor hiring center. A profit or non-profit facility at which job seekers congregate to be hired by the day or by the job for short periods of time by third parties. ~~that are typically engaged in the construction, maintenance, agricultural or industrial trades.~~ Job seekers must be present to receive and accept a job offer, or be transported to a job site, and typically return to the facility for payment. Related support services may be offered to job seekers while they wait onsite.

Density. The maximum number of dwelling units permitted on a specific number of acres of land.

Developed. Land or water upon which a permitted building, structure, other improvement or use has been constructed or established, and including land that has undergone development as defined herein, but excluding solely underground utilities, pipes, wires, cable, culverts, conduits or other similar underground improvements and excluding structures bearing overhead power transmission lines that carry at least 500 kilovolts of electrical power, provided such lands contain no other buildings or structures. This term shall not include containers having a maximum capacity of forty gallons or less.

Developer. Any person, including a government agency, undertaking any development as defined in this section.

Development. The meaning given in F.S. § 380.04, as may be amended from time to time, provided the term specifically includes any construction, clearing, filling, excavating, grading, or paving, whether or not any such activities are occurring on a previously improved property. ~~The Loxahatchee Groves comprehensive plan specifically recognizes the right of property owners to subdivide their property into five acre single family residential parcels without such land division being deemed development under F.S. § 380.04.~~

Development order. An order authorizing the granting, denying, or granting with conditions of an application for a development permit.

Development permit. Any building permit, engineering permit, zoning permit, subdivision or plat approval, modification to a condition of plat approval, including an amendment or revision to a non-vehicular access line, site plan approval, amendment to the notation on the face of a plat, application for placement of a notation on the face of a plat, rezoning, variance or other official action of the Town having the effect of permitting the development of land, but does not include any variance or other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the Florida Building Code, as may amended from time to time.

Display. An arrangement of goods reflecting the occupation or business, wares or other objects used or sold on the premises, for the purpose of bringing the subject thereof to the attention of others without the use of a sign.

District, zoning. A portion of the territory of the Town of Loxahatchee Groves within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code. ~~The term is short for "zoning district."~~

Drive through facility. Any place or premises used for the sale or dispensing of products to patrons who enter upon the premises in automobiles and purchase products through a window or door without leaving their vehicle.

Driveway. An area that connects the parking aisles of a parking lot, the parking area of a dwelling unit, a loading area, or otherwise provides vehicular access from private property, to the public right-of-way, to a private street, or to another driveway.

Driveway entrance. That portion of a driveway that immediately abuts the public right-of-way or a private street.

Dumpster. A container constructed of impervious material that is intended and designed to be used for the retention or storage of garbage, refuse or recyclable materials.

Dwelling. Any building, or part thereof, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently.

Dwelling, detached. A single dwelling unit physically detached from other buildings, dwelling units or structures.

Dwelling, single family. A freestanding dwelling unit, sharing no walls with another dwelling unit, having all habitable areas within the building accessible from the interior of the building. Single -family dwellings shall not include trailer ~~mobile homes~~, as defined in Section 10-015 of this Code rooming or boarding houses, or dormitories, fraternities and sororities.

Dwelling unit. A room or group of rooms not less than 400 square feet in total floor area, with direct access from the outside of the building ~~or through a common hall~~, which includes independent and complete sleeping, kitchen and sanitary facilities designed to provide complete, long-term living accommodations exclusively for one family ~~and which have no access to another dwelling unit or are designed in such a manner that access to another dwelling unit may be eliminated by closing or sealing interior doorways or openings~~.

Employment agency. A business that charges a fee for providing information and placement services to candidates seeking employment and/or clients looking for qualified candidates. Candidates register with the agency, but do not wait on-site or at a central location for full time, part time, or temporary assignments. Vocational guidance, employment counseling, resume writing, executive recruitment, payroll processing, and similar personnel services may also be offered.

Environment. Includes, but is not limited to, ambient air, surface water, land surface, subsurface soil strata or groundwater.

Environmental regulation. Any federal, state, county or Town law relating to pollution or protection of the environment. It includes, but is not limited to, any federal, state, county or Town statute, or regulation that pertains, in whole or part, to any existing or potential emission, discharge or release of any pollutant, contaminant, chemical, toxic waste, hazardous waste or solid waste into the environment. The term "environmental regulation" also includes, without limitation, any such statute or regulation relating to the manufacture, processing, distribution, use, treatment, storage, disposal, transport or handling of any pollutant, contaminant, chemical, toxic waste, hazardous waste or solid waste.

Equestrian. ~~Of,~~ Any activities of ~~relating to,~~ or featuring ~~horseback riding~~. horses or the horse family

~~*Equipment, farm and land cultivation.* See "farm and land cultivation equipment."~~

Essential services. The erection, construction, alteration or maintenance by public utilities or governmental agencies, of underground or overhead sanitary sewer, communication, gas, electrical, steam or water transmission or distribution systems, and drainage facilities, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, transformer substations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Family. Either a single-person occupying a dwelling unit and maintaining a household, or either ~~Any~~ of the following living together as a single housekeeping unit in a dwelling unit: ~~any number of~~ two or more persons related by legal adoption, blood or a licit marriage; or a group of not more than ~~three~~ four persons living together and maintaining a non-profit housekeeping unit, as opposed to a group occupying a boarding or lodging house, who are not related by legal adoption, blood or licit marriage~~; or a group of persons that are disabled as defined by federal law~~.

(HERE)

Family day care home. The meaning given in F.S. § 402.302, and regulated by § 402.313, both as may be amended from time to time.

Farm. The land, buildings, structures, support facilities, machinery, and other appurtenances used in the production of farm and aquaculture products~~. when such land is classified agricultural pursuant to F.S. § 823.14, as may be amended from time to time.~~

Farm and land cultivation equipment. Any operable vehicle and equipment necessary for conducting an agricultural or equestrian use. Landscape maintenance equipment used on the plot (e.g., lawn tractor) is also included in this definition~~. , but shipping containers, and landscape maintenance vehicles associated with a business that provides such services off-site, are not included.~~

Farm building or structure. Any building or structure located on a plot classified as a farm, which is used to house or store farm products or materials and equipment necessary to farm operations. A farm structure shall also include fences, walls and hedges along the plot line of a farm.

Farm operation. All conditions or activities by the owner, lessee, agent, independent contractor, and supplier that occur on a farm in connection with the production or marketing of a farm's products.

Farm product. Any plant, as defined in F.S. § 581.011, as may be amended from time to time, or animal useful to humans and including, but not limited to, any product derived therefrom, or as defined in F.S. § 823.14, as may be amended from time to time.

Fence. A structure, solid or otherwise, which is a barrier and used as a boundary or means of protection, confinement or concealment.

Floor area, gross floor area. Where a specified minimum floor area is required in the ULDC for a dwelling or other building, "floor area" shall mean the total gross horizontal area of all of the floors within the external perimeter of the exterior enclosing walls, including Florida rooms, sun rooms and utility rooms which are fully enclosed and directly accessible from the interior of the dwelling, but excluding other utility rooms, unenclosed porches, terraces or breezeways, and carports or garages. For purposes of floor area ratio and parking calculations, "floor area" or "gross floor area" means the total gross horizontal area of all of the floors within the external perimeter of the exterior enclosing walls.

Floor area ratio (F.A.R.). The total gross floor area of all buildings or structures on a plot divided by the plot area.

Food service. Preparation and/or provision of food for consumption intended for individual portion service on or off the premises regardless of whether there is a charge for the food.

Food service establishment. Any place where food service is provided, and includes the site at which food is prepared and the site at which individual portions are provided, regardless of whether consumption is on or off the premises. The term does not include private homes where food is prepared or served for individual family consumption.

Frontage of a building. Shall mean the wall(s) of a building approximately parallel and nearest to a street(s).

Frontage of property. Shall mean any plot line which separates a plot from a street, or the line separating an ingress/egress easement within a plot from the remainder of the plot.

Garage, private. An enclosed accessory building or portion of a single-family dwelling designed or used for inside parking of self-propelled private passenger vehicles by the occupants of the dwelling.

Gasoline station. Any building, structure, or land used for retail sale and dispensing of vehicle fuel(s).

Governmental facilities. ~~A building or complex of buildings that house the administrative offices of~~ Any property owned or leased by the Town of Loxahatchee Groves, any department, commission, district, authority, board, independent agency or instrumentality of the United States, the State of Florida, county, or any other governmental unit.

Grade, established or finished. The elevation of land above mean sea level in its final, graded condition.

~~Guest cottage_ A structure or any part of a structure ancillary to a detached single-family dwelling unit, excluding mobile homes, and located on the same plot as the principle dwelling unit, that is occupied in whole or in part as the temporary residence or living quarter of one or more persons. This definition shall include any such living quarter that is connected to the principal dwelling unit by an open or enclosed breezeway or other structure that serves to merely connect the guest quarter to the principal dwelling, as contrasted with a customary home addition that is physically and functionally integral to the principal dwelling.~~

Habitable room area. The total floor area of a dwelling unit excluding closets, bathrooms, garages, utility rooms, storage areas, and rooms not accessible from the interior of the dwelling unit.

Hazardous substances. Any substance or material which, by reason of its toxic, caustic, corrosive, abrasive, explosive, pyric, or otherwise injurious properties, may be detrimental or deleterious to the health or safety of any person handling or using or otherwise dealing with such material or substances.

Height. For all buildings and structures, except as provided below, the vertical distance from the highest point of finished grade at the location of the building pad to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof, to the mean height level between eaves and ridge for gable, hip and gambrel roofs, and to the highest point of any non-roofed structure, provided that any portion of the finished grade exceeding ten feet N.V.G.D. shall be included in the height calculation. Sign height is defined within Article 90, "Signs." For structures other than buildings and signs, height shall be the vertical distance from the finished grade below the structure to the highest point of the structure, provided that the height calculation of structures placed on berms shall include the height of the berm.

Holiday wayside stand. A temporary outside sales location for the retail sale of holiday items associated with the particular holiday for which the location is established, and not associated with or part of any existing use on the plot upon which it is located.

Home occupation. Conduct of a business in a home office.

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.

Hospital. An institution providing primary health services, medical and/or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, handicap and other physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel. A public lodging establishment containing individual rooms or suites of rooms accessed primarily through an inside lobby, each having a private bathroom, for the purpose of providing overnight, transient lodging accommodations to the general public for compensation with or without meals, which has common, on-site facilities for reservations, cleaning services and on-site management, and may provide additional, accessory services such as restaurants, meeting rooms, health and fitness, spa, entertainment and/or recreational facilities.

Household pet. An animal that resides in the dwelling with its owner, kept for companionship and enjoyment.

Impervious area. Any area with a surface that is covered or hardened so as to prevent or impede the percolation of water into the soil mantle, including swimming pools, water bodies and areas covered with brick pavers.

Inflammable liquid. Any liquid, which under operating conditions gives off vapors which, when mixed with air, is combustible and explosive.

Kennel, private. Any building or [and used, designed or arranged to facilitate the non-commercial, private care of domestic animals, such as dogs and cats, owned by the occupants of the premises and not used for a commercial or not-for profit organization such as a dog club.

Kennel, commercial. A commercial establishment, including any building or [and, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit.

Kitchen, complete. A room or area within a building designed or used primarily for providing food storage and food preparation that contains, at least a sink with piped water, refrigerator and conventional gas or electric range or cook stove facilities.

Land, platted. Any land recorded by plat in the Palm Beach County Public Records, and can be referenced by a plat name, plat book and page.

Land, unplatted. Any land or part thereof not recorded by plat in the Palm Beach County Public Records and cannot be referenced by plat name, plat book and page.

Lawn and landscape maintenance use.

Library. A building or room in which literary, musical, artistic or reference materials, such as books, manuscripts, recordings, films, paintings, etc., are kept for public use.

Livestock. Grazing animals, such as cattle, horses, sheep, goats, other ruminants, swine, ostriches, emus and rheas, which are used for private use or commercial purposes, or as defined by F.S. § 585.01, as may be amended from time to time.

Loading area. An area provided off of any public or private right-of-way for the temporary parking of trucks being loaded or unloaded.

Lot. A parcel or tract of land designated and identified as a single unit of area in a subdivision plat officially recorded in the Palm Beach County Public Records.

Lot line. The property boundary lines of a lot.

Medical center. A public or private facility, which staff includes state-licensed physicians and nurses, which provides health-related services or treatment designed to prevent medical problems, maintain a healthful condition, or restore an individual to a condition of health.

Mobile home. A structure, transportable in one or more sections, which is eight body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing~~, heating, air-conditioning,~~ and electrical systems contained therein.

Museum. A building or room devoted to the procurement, care, study or display of antiques, objects of historical, scientific or cultural interests, or other objects of lasting interest or value.

Nightclub. A restaurant, dining room, bar or other similar establishment where music is played at or above normal conversation sound level such that the music is primary entertainment and not merely background music for ambiance, or where floor shows or other forms of lawful entertainment are provided for guests.

Nonconforming building. A building or structure, or portion thereof, other than a sign, lawfully existing at the effective date of these regulations, or any amendment hereto, that does not comply with the provisions of these regulations, other than use regulations.

Nonconforming plot. A plot of record lawfully existing at the effective date of these regulations, or any amendment hereto, that does not comply with the provisions of these regulations, other than use regulations.

Nonconforming use. The use of a structure or premises, lawfully existing at the effective date of these regulations, or any amendment hereto, for any purpose not permitted for a new use in the zoning district in which it is located.

Nonresidential plot. A plot of land other than a residential plot.

~~*Nonresidentially zoned land.* Land or water area within any zoning district other than the Agriculture Residential (AR) zoning district.~~

Not-for-profit corporation. A corporation of which no part of the corporate income is distributable to its members, directors or officers as defined by F.S. ch. 617, as may be amended from time to time.

Nursery. A place where plants are propagated and/or grown to usable size sale, or for experimentation, and which may include such accessory uses as the limited and incidental sale of accessory items, the provision of landscape design services, and delivery and installation of plants purchased from the nursery. This term expressly excludes lawn and landscape maintenance businesses and mulching operations as commercial or principal uses.

Nursery, retail. A nursery, the products of which are sold directly to the ultimate consumer.

Nursery, wholesale. A nursery, the products of which are sold to a retailer and not directly to the ultimate user.

Opaque. Any non-translucent, nontransparent, nonliving material which provides a visual barrier from one side to the other.

Outdoor event. A carnival, circus, concert, festival, commercial promotion, show, competition, sale and other similar types of events, as well as any outdoor activity that is not a permitted principal or accessory outdoor use of the premises shall be classified as an outdoor event. Outdoor events shall also include permitted accessory uses of a scale, intensity or frequency that exceeds the customary and incidental scale, intensity or frequency of the given accessory use.

Package store. An establishment where the sale of alcoholic beverages in containers for consumption off the premises is the predominate purpose of the establishment.

Parking. The temporary, transient storage of vehicles or equipment as an accessory use to a dwelling or other use for a period generally not exceeding 24 hours, while their operators are engaged in other activities. This definition excludes the storage of vehicles or equipment.

Parking facility. An area designated for the parking of private passenger vehicles not on a street or other thoroughfare. It shall not include storage of new or used cars for sale, service, rental, or any other purpose than specified above.

Parking facility, full circulation. A parking lot design which permits a car entering a parking lot to circulate in front of all parking stalls and restart the same movement again without using a street or alley and without backing up and then turning around.

Parking facility, partial circulation. Parking lot design which permits a car entering a parking lot to circulate in front of all parking stalls without using any public or private street right-of-way, and without the need to back up and turn around, but which does not allow complete recirculation through the parking facility without using a street or alley and without the need to back up and turn around.

Parking aisle. The area immediately adjacent to the car parking stalls which permits maneuvering of the cars entering and leaving a parking stall, and which connects the parking stalls to the driveway.

Parking stall or "parking space ." The space that is necessary to park a car, excluding aisles and driveways, and conforming to the minimum dimensions and other requirements of this Code.

Pervious area. Area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water directly into the soil mantle.

Place of worship. A building, or part thereof, designed and arranged for religious services, on land held in fee simple ownership or on a long-term lease, a minimum of five years duration, by a chartered religious organization, which utilizes the building for regular, continuing religious services.

Plat. A map or delineated representation of a tract or parcel of land showing the designation of such land as lot(s), block(s), parcel(s), or other portions thereof, however the same may be designated. The verb "to plat", in whatever tense used, means to prepare a plat in accordance with Town of Loxahatchee Groves' and Florida's minimum platting requirements, showing the division or subdivision of land into lots, blocks, parcels, tracts or other portions thereof, however the same may be designated. "Plat" does not refer to a boundary plat unless the term "boundary plat" is used specifically.

Platted land. See, "land, platted."

Plot. Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is occupied or to be occupied by a building, structure, or use, and their accessory buildings and accessory uses, together with such yards and open spaces as are required by this Code as a unit. A plot may consist of one or more platted lots, or portions of a platted lot and/or unpiatted land.

Plot, corner. A corner plot is a plot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an interior angle of not more than 135 degrees. Where a plot is on a curve, if tangents through the intersections of the lot lines with the street lines make an interior angle of not more than 135 degrees, such a plot is a corner plot. In the case of a corner plot with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein described.

Plot coverage. The percentage of the plot area covered or occupied by buildings or roofed structures or portions thereof. Swimming pools, decks, barbecue pits, terraces and other appurtenances not roofed-over shall not be included in computing plot coverage.

Plot depth. The mean horizontal distance between the front and rear plot lines.

Plot, flag. A plot not meeting the minimum frontage requirement and where access to a public street is established by a narrow private street or easement.

Plot, interior. A plot other than a corner plot.

Plot line. The boundary lines of a plot. Has the same meaning as, "property line."

Plot line, front. The plot line coinciding with, or adjacent and parallel, to the street line. For corner plots and through plots, the front plot line shall be determined using the methodology set forth in the definition of "street line, front" as it applies to corner and through plots.

Plot line, rear. The plot line opposite and most distant from the front plot line. In the case of a triangular or gore-shaped lot wherein the two side plot lines converge in the rear, the rear plot line shall be considered to be a line ten feet in length within the plot parallel to and at the maximum distance from the front plot line.

Plot line, residential. Any plot line of a residential plot.

Plot line, side. Any plot line other than a front or rear plot line. A side plot line separating a plot from a street is called a corner side plot line, and is considered a street line. A side plot line separating a plot from another plot or plots is called an interior or side plot line.

Plot, residential. A plot with an Agricultural Residential (AR) zoning district classification.

Plot, through. A plot abutting two streets, not at their intersection, if any, which may be an interior plot or also a corner plot.

Plot width, required. The minimum required horizontal distance between the side plot lines at the full depth of the required front yard.

Porch. A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

Potable water. Water which is satisfactory for drinking, culinary and domestic purposes and which meets the quality standards of the Florida Department of Environmental Regulation, Chapter 17-22, Florida Administrative Code, as may be amended from time to time.

Portable storage unit. Any container designed for the storage of personal property which is typically rented to owners or occupants of residences or businesses for their temporary use, and which may be delivered to a residence or business and later retrieved from the premises by vehicle and stored in a commercial storage facility until needed by the renter. Portable storage units shall not include shipping containers.

Poultry. Domesticated birds kept for eggs or meat, but excluding any emu or ostrich. Principal building. A building occupied by, and devoted to, a permitted principal use.

Principal use. The primary use of a parcel of land as distinguished from secondary or accessory uses. There may be more than one principal use on a parcel of land unless prohibited within a given zoning district.

Private property. All lands and water areas owned by other than the Town, county, state, federal government or any of its subdivisions.

Private road. A road or driveway that is privately owned and limited to the use of the owner or a group of owners who share the use and maintenance. A private road is not owned by a government entity.

Property owner. The person or entity holding title to real property as indicated in the current tax roll of Palm Beach County, unless the Town has received by certified mail an official document establishing that a person or entity other than the person or entity shown on the tax roll is the actual owner.

Public property. All streets, canals, waterways, other rights-of-way, lands, and improvements owned by a governmental agency.

Quarry. A place where natural materials or deposits are excavated for use as building materials, road materials, land fill, etc. at a different location. The excavation of materials for use on the premises where the excavation occurs shall not be included in this definition.

Refuse. Unwanted or undesired material or substance including rubbish, junk, trash, garbage, excess fill or compost, and animal manure.

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

~~*Residential plot*. See "plot, residential."~~

Residential zoning district. Agricultural Residential (AR) zoning district. Residentially zoned land. Any land or water area within a residential zoning district.

Restaurant. A building or room, where food is prepared and served for pay, which may include consumption on the premises.

Restaurant, fast food. A restaurant which functions for the purpose of serving either short-order meals or individual food items, but is not a full service restaurant as defined herein. A fast food restaurant may or may not have drive-thru window.

Restaurant, full service. A restaurant which functions for the purpose of serving complete meals both ordered from a menu and brought to the customer via table service by a restaurant employee, prepared and cooked in a kitchen within the restaurant for on-premises consumption, but shall include cafeterias. Full service restaurants do not have drive-through windows.

Retail store. A commercial establishment for the sale of merchandise directly to the ultimate consumer.

Right-of-way. An area of land and/or water that has been dedicated, deeded, reserved, or otherwise conveyed to the public for public use, ownership and control, and intended to be occupied by uses such as a street, walkway, trail, utility infrastructure, canal or other storm water conveyance. The term "right-of-way" shall mean "public right-of-way" unless preceded by the word "private," which for the purpose of the ULDC shall have the same meaning as an easement.

Right-of-way line. See "street line."

Right-of-way line, ultimate. See "street line, ultimate."

Roof line. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Setback. The minimum distance measured from a property line, or ultimate street line if the plot abuts a street, and any part of any building or structure on the plot, unless a specific improvement is specifically excepted as a permitted encroachment or called out separately with a different setback. All areas in between the setback line and the plot or street line, as applicable, are yards.

Setback line. The line or vertical plane representing the setback distance and yard depth, also described as the edge of any required yard, demarcating the vertical plane that separates a required yard from the 'buildable' portion of the plot where principal structures may be erected.

Setback line, required. The line representing the minimum required setback/yard depth.

Setback, required. The minimum setback required by any ULDC provision. A minimum setback requirement creates a minimum yard requirement, and a minimum yard requirement has the same effect as requiring a minimum setback.

Shipping container. Any container originally designed for transporting cargo, or a container that is similar in design or function to such a container, but excluding a portable storage unit.

Shopping center. A group of three or more individual tenant spaces in a nonresidential building, each of which shares at least one common wall with another unit.

Shopping center outparcel. A plot containing a commercial building that provides its own required parking, landscaping and pervious areas, which is contiguous on at least one side to a shopping center or other larger commercial development, and which is connected to the larger development through parking or access facilities.

Site plan. A drawing illustrating a proposed development and prepared in accordance with the specification set forth in Article 155 of these regulations.

Storage of vehicles. The keeping of vehicles or equipment upon a plot for a period exceeding 24 hours that does not constitute "parking" as defined herein. Whenever storage of vehicles is permitted within these regulations, parking is also permitted by inference.

Street. A thoroughfare or any other vehicular accessway recorded in the public records of Palm Beach County, Florida, as right-of-way, reservation, ingress/egress easement or similar instrument for the sole purpose of providing access to and from abutting properties. Streets may be publicly dedicated or private.

Street lines. Shall mean the lines that form the boundaries of a public street right-of-way, public or private ingress/egress easement, or other access reservation or conveyance.

Street line, front. For corner lots, the front street line shall be the shorter of the two street lines unless they are each equal or within 50 feet of equal length, in which case the Town Manager shall designate one such street line as the front street line and designate one rear lot line based upon neighboring building orientation and access considerations. For through lots, both street lines shall be front street lines.

Street line, ultimate. The street line that would result from dedication of right-of-way or granting of an access easement based upon the total public or private right-of-way prescribed for any given street by these regulations, the Comprehensive Plan, Palm Beach County Code, or any other official plan.

Structural alteration. Any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure. Anything constructed, installed, erected or portable, the use of which requires a location in or on the ground, or attached to something having location upon the ground, such as buildings, trailers, fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs.

Surface water management system. The collection of devices, improvements or natural systems whereby surface waters are controlled, impounded, or obstructed. The term includes dams, impoundments, reservoirs and appurtenant works as defined in F.S. § 373.403(1-4), as may be amended from time to time, as well as all artificial structures including, but not limited to, ditches, canals, conduits, channels, culverts, pipes, and other construction that conveys, impounds, or controls surface water.

Swale. Land within a street other than the travel surface, and land adjacent to a street that holds, is designed to hold, or is required by the ULDC to contain and/or to convey storm water runoff from a street and private property abutting the street.

Swine. Any of various stout-bodied short-legged omnivorous artiodactyl mammals (family Suidae) with a thick bristly skin and a long flexible snout; especially a domesticated one descended from the wild boar.

Trailer. A manufactured structure inspected, approved and licensed by the State of Florida Department of Motor Vehicles, constructed so as to permit occupancy thereof as sleeping or living quarters, or use for storage or conveyance for tools, equipment or machinery on a construction site and so designed that it is or may be mounted on wheels and conveyed on highways and streets, propelled or drawn by other motive power from one location to another.

Translucent. Any material which allows the passage of light, but does not permit a clear view of any object or person.

U-pick farm. A farm which allows customers to hand pick fruits, vegetables and other crops for a price usually charged by the size of the container.

Use. The purpose of which land or a structure thereon is designed, arranged or intended to be occupied or utilized, or for which it is utilized, occupied or maintained.

Use (v). "Use" or "used" shall mean the continuation of an existing use, establishment of a new use, or any expansion or change of an existing use, of a building, structure or part thereof, or of any land or water area.

Use of land. Includes use of water surfaces and land under water to be the extent covered by zoning districts, and over which the Town of Loxahatchee Groves has jurisdiction.

Use, nonresidential. A use other than residential use (see use, residential).

Use, principal or main. The primary use of the plot as distinguished from secondary or accessory uses. There may not be more than one principal or main use on a plot unless specifically permitted by district regulations.

Use, residential. A use such as a one-family dwelling for living or sleeping of persons, not commercial or institutional in character such as a lodging establishment or nursing home.

Variance. A modification of, or deviation from, a regulation of the ULDC which is authorized and approved by the Town Council after it finds through competent substantial evidence that the literal application of the provisions of the Code would cause unnecessary hardship in the use or development of a specific plot, building, or structure, and that such modification or deviation satisfies the criteria for the granting of variances set forth in Article 150 of these regulations.

Vehicle, commercial. Any operable vehicle designed, intended or used for the transportation of people, goods or things, other than private passenger vehicles, agricultural equipment and personal recreation vehicles, provided that any vehicle with a commercial sign placed upon it shall be considered a commercial vehicle. The term "commercial vehicle" shall include, but is not limited to the following:

a. *Semi trailer*. All two or more axle vehicles designed to be coupled to and drawn by a motor vehicle.

b. Truck A motor vehicle designed with or modified to contain a bed, platform, cabinet, rack or other equipment for the purpose of carrying items or things or performing commercial activities and weighing 8,000 pounds or more. This term includes, but is not limited to, wreckers, tow trucks, dump trucks, utility or service vehicles, and moving vans.

c. *Truck-tractor*. A motor vehicle having four or more wheels designed to draw a semi-trailer and often equipped with a "fifth wheel" for this purpose.
Bus. Any vehicle designed or modified for transportation of 15 or more people in seats permanently placed in the vehicle.

d. *Business vehicle*. Any vehicle upon which a business name is displayed. This term includes, but is not limited to, taxis, limousines, ambulances, and vans, but excludes security vehicles which are providing security services to the area where the vehicle is parked.

Vehicle and equipment, construction. Any equipment used in land clearing and development, building construction, utility construction, or road construction.

Vehicle, personal recreation. Any operable motor vehicle or trailer designed and used for general recreation purposes or temporary living quarters for recreational, camping, or travel use, including but not limited to: camping trailers; travel trailers; truck campers; motor homes, but excluding mobile homes which are considered housing; watercraft; and, trailers designed or used for transporting watercraft or other recreational vehicles, but excluding any trailer classified as a commercial vehicle or which is pulled or designed to be pulled specifically by a commercial vehicle.

Vehicle, private passenger. A motor vehicle weighing less than 8,000 pounds, designed and used for personal transportation, including cars, pickup trucks, sport utility vehicles, minivans, and motorcycles.

Vehicle, recreational. Shall mean one of the following:

a. *Camping trailer*. A vehicular, portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle, and unfolded at the site to provide temporary living quarters for recreational, camping or travel use.

b. *Truck camper*. A truck equipped with a portable unit, designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping or travel use.

c. *Motor home*. A vehicular unit which does not exceed the length and width limitations provided in F.S. § 316.515, as may be amended from time to time, is built on a self-propelled motor vehicle chassis, and is primarily designed to provide temporary living quarters for recreational, camping or travel use.

d. *Off-road vehicle*. A motorized vehicle designed and intended solely for recreational activities and not as a means of transportation on public streets.

e. *Travel trailer; including fifth-wheel travel trailer*. A vehicular, portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. It has a body width of no more than eight and one-half feet and an overall body length of no more than 40 feet when factory-equipped for the road.

Vehicular use area. Parking facilities, driveways, and any area designed or used for vehicular circulation, parking, loading, stacking or storage.

Water management area. A portion of a development that is a functional part of the "surface water management system" and is designed for the normal impoundment, storage, or conveyance of surface water or stormwater.

Waterway. A stream, canal or body of water.

Wayside stand. A structure designed and used for the sale or display of farm products produced on the premises on which said structure is located.

Wetlands. Those areas which are inundated by water, with sufficient frequency to support, and normally do support an assemblage of organisms that is adapted to saturated or seasonally saturated soil conditions for growth and reproduction including, but not necessarily limited to swamps, marshes, bogs, sloughs, wet meadows, river flood plains, mud flats and wet prairies.

Wildlife pets. Shall include only those animals that have been designated as endangered species, threatened species, or species of special concern by the State of Florida or federal government, and are permitted in private ownership by the Florida Fish and Wildlife Conservation Commission. This definition shall not include any dangerous or poisonous animal of the reptile or amphibian species.

Wireless communication facility. An antenna, stealth facility or wireless communication tower.

Yard. A space on the same plot with a structure or use, open and unobstructed from the ground to the sky unless specifically excepted by the ULDC. Yard measurements shall be the minimum horizontal distances. Yards shall extend and be measured inward from the respective plot lines except for yards abutting streets, in which case they shall be measured from ultimate street lines.

Yard, front. A yard extending across the full width of the plot between the front street line and the nearest line of the buildings or structures on the plot. For plots along culs-de-sac, the front yard shall be measured parallel to the arc of the cul-de-sac.

Yard, rear. A yard extending across the full width of the plot between the rear plot line and nearest line of a building or structure.

Yard, required. The minimum yard depth required by these regulations. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be a required yard. Note: a minimum setback requirement creates a minimum yard requirement, and a minimum yard requirement has the same effect as requiring a minimum setback.

Yard, side. A yard extending from the front yard to the rear yard, between the side plot line, or side street line if applicable, and the nearest line of any building or structure on the plot. The width of a side yard shall be the shortest distance between the side plot line or side street line and the nearest use or building or structure on the plot.

Yard sale or garage sale. The sale of a residential occupant's personal or household belongings to the public from the occupant's residence, either inside or outside of the building.

ARTICLE 75

NON-CONFORMING USES

RECOMMENDED CHANGES

Article 75 - NONCONFORMING USES, STRUCTURES AND PLOTS

Section 75-005. - Purpose and intent.

Section 75-010. - Uses ~~and~~ structures and plots existing as of October 1, 2006.

Section 75-015. - Determination of ~~a nonconformity.~~ legal and conforming status.

Section 75-020. - Nonconforming uses.

Section 75-025. - Nonconforming structures.

Section 75-030. - Nonconforming plots ~~of record~~.determined to be legal and conforming.

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

Section 75-005. - Purpose and intent.

The purpose and intent of this article is to regulate and limit the development and continued existence of lawfully established uses, structures and plots established on or after October 1, 2006, that do not conform to the requirements of these regulations. The provisions of this article are designed to generally curtail substantial investment in nonconformities and bring about their eventual elimination in order to preserve the integrity of these regulations. Any ~~nonconforming~~ use, structure or plot that does not conform to the requirements of this Code and that lawfully existed as of the effective date of these regulations, and any use, structure or plot that has become nonconforming as a result of the adoption of these regulations or any subsequent amendment hereto may be continued or maintained only in accordance with the terms of this article as well as all other provisions in this Code pertaining to nonconformities. Where a period of time is specified in this article, or in any other article of this Code, for the removal or discontinuance of nonconforming structures or uses, said period shall be computed from the effective date of such reclassification or change of regulations.

Section 75-010. – Uses, ~~and~~ structures and plots existing as of October 1, 2006.

Notwithstanding other provisions contained in this article, all uses, and structures ~~and plots of land~~ that were legal and conforming to the Palm Beach County Unified Land Development Code as of October 1, 2006, shall be deemed to be legal and conforming to the these regulations, as may be amended from time to time. The existence of uses and structures, as well as their legality and their conformity to the Palm Beach County Unified Land Development Code as of October 1, 2006, shall be subject to verification by the Town ~~Council~~, and the burden of proof shall be borne by the property owner. If, however, such use is abandoned for a period of 180 consecutive days or more, the use of the property shall be required to conform to all other provisions of these regulations. Notwithstanding other provisions contained in this article, all plots of land that were in existence as of October 1, 2006, as determined by the Town staff, shall be deemed to be legal and conforming to the these regulations, as may be amended from time to time.

For purposes of this section, the term *"abandoned"* shall mean the willful and intentional discontinuance of a use, and shall not include any discontinuance resulting from a natural disaster.

Section 75-015. - Determination of ~~a nonconformity~~ legal and conforming status.

The Town ~~Council~~ staff shall make a determination as to the existence of ~~a nonconformity~~ legal and conforming status of a use, structure or plot based upon evidence furnished by the applicant for the determination. Town staff may make use of data at its disposal, affidavits and investigation as necessary, however, the applicant shall bear the burden of proof that the property is entitled to ~~nonconforming~~ legal and conforming status.

The question as to whether ~~a nonconforming use~~ legal and conforming status of a use, structure or plot exists shall be a question of fact, and the determination of Town staff may be appealed pursuant to the procedures of Article 145, "Administrative Appeals."

Section 75-020. - Nonconforming uses.

(A) *Extension of nonconforming use of structure.* The nonconforming use of a structure may be extended throughout any part of the structure clearly designed for such use but not so used at the effective date of the ordinance that created the nonconforming use. Any nonconforming use that occupied a portion of a structure not originally designed or intended for such use shall not be extended to any other part of the structure or any other structure on the plot.

(B) *Extension of nonconforming use of land.* The nonconforming use of land shall not be extended or moved to any area on the plot not so used at the effective date of the ordinance that created the nonconforming use.

(C) *Repair, alteration, enlargement of structures used for nonconforming uses.* No structure utilized for a nonconforming use shall be enlarged, extended or structurally altered, unless the use is changed to one which complies with the provisions of this Code, provided that repairs and maintenance may be carried out in any one year period in an amount not to exceed 25 percent of the assessed value of the structure for that year, and further provided that such work does not increase the cubical content of the structure nor the floor area devoted to the nonconforming use, nor increase the number of dwelling units. Improvements specifically required by this Code, for example, bringing the site into compliance with Article 85, "Landscaping," shall be exempt from this subsection. Nothing herein shall prevent compliance with applicable laws or statutes relative to the safety and sanitation of a structure occupied by a nonconforming use.

(D) *Discontinuation of nonconforming use of land.* If for any reason a nonconforming use of land ceases or is discontinued for a period of more than six months, the land shall not thereafter be used for a nonconforming use. Maintenance of a local business tax receipt for the nonconforming use shall not in and of itself be considered proof that the use has been in continuous operation.

(E) *Discontinuation of nonconforming use of a structure.* If for any reason the nonconforming use of a structure ceases or is discontinued for a period of six months or more, the structure shall not thereafter be used for a nonconforming use. Maintenance of a local business tax receipt for the nonconforming use shall not in and of itself be considered proof that the use has been in continuous operation.

(F) *Reconstruction.* If any structure in which there is a nonconforming use is damaged by fire, flood, explosion, collapse, wind, war, other catastrophe, or demolition to such an extent that the cost of rebuilding, repair and reconstruction will exceed 51 percent of the current county tax-assessed value of the structure, it shall not be again reconstructed and used except in full conformity with the regulations of the zoning district in which it is located.

(G) *Uses that are nonconforming due to density.* Uses that become nonconforming due to adoption of density requirements in this Code may be repaired, replaced, or restored to the same density despite any event where the structure is damaged, destroyed or redeveloped so as to require substantial improvement.

Section 75-025. - Nonconforming structures.

(A) *Additions, extensions or alterations of nonconforming structures.* Any additions, extensions or alterations to such existing nonconforming structures shall comply with all applicable provisions of this Code.

(B) *Reconstruction.* In the event any nonconforming structure is damaged or destroyed by fire, flood, explosion, collapse, wind, war, other catastrophe, or demolition, such that the cost of repair or replacement would exceed 51 percent of the current county tax-assessed value of the structure, the structure and its associated on-site improvements shall not be reconstructed unless the structure and its associated on-site improvements will be in conformance with all requirements of this Code, except that nonconforming single-family dwelling units on residential plots, inclusive of accessory pools and structures over 250 square feet permanently located on slabs, may be reconstructed to the same dimensional requirements as the original structure, provided the original foundation is to be utilized.

(C) *Discontinuance of use.* If the use of a nonconforming structure for a conforming nonresidential use ceases for any reason for a period of six months or more, the structure shall not thereafter be occupied, unless the structure and accessory plot improvements comply with all Code requirements. Maintenance of ~~an occupational license~~ a local business tax receipt for the nonconforming use shall not in and of itself be considered proof that the use has been in continuous operation.

Section 75-030. - Nonconforming plots ~~of record~~ determined to be legal and conforming.

(A) A nonconforming plot ~~of record~~ determined to be legal and conforming pursuant to Section 75-015 may be used for any use permitted by the zoning district within which the plot is located, provided the plot complies with Section 100-035 of this code, and all development standards except for required plot size and dimensions~~,~~. ~~and provided that specific~~ Specific uses required to have different plot area or dimensional requirements than generally required for other uses within the same zoning district, shall not be permitted on a nonconforming plot ~~of record~~ determined to be legal and conforming pursuant to Section 75-015 that does not comply with said plot size and dimensional requirements, unless the Town grants a variance for the size, setback, or dimensional requirement pursuant to the procedures and standards of Article 150, "Variances."

(B) In order to ensure the reasonable use of property, the revised development standards shall apply to nonconforming lots ~~of record~~ determined to be legal and conforming, as follows:

(1) *Setbacks.* Setbacks for new development or redevelopment of a primary or accessory structure on a nonconforming plot ~~of record~~ determined to be legal and conforming pursuant to Section 75-015 may be reduced as follows:

a. *Nonconforming plots of one acre or less:* All required setbacks may be reduced by 50 percent.

b. *Nonconforming plots of between one and five acres:* All required setbacks may be reduced by 25 percent.

(2) *Plot coverage.* The combined area of all buildings and roofed structures on a nonconforming plot ~~of record~~ determined to be legal and conforming may be increased as follows:

a. *Nonconforming plots of one acre or less:* Maximum plot coverage may be increased by five percent of plot area.

b. *Nonconforming plots of between one and two acres:* Maximum plot coverage may be increased by two percent of plot area.

(3) *Pervious area.* The minimum pervious area for new development and redevelopment of a nonconforming plot of record may be reduced as follows:

a. *Nonconforming plots of less than one acre:* Required pervious area may be reduced by an additional five percent of plot area.

Section 75-035. - 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, but 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 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) ~~The application for the Special Exception shall be filed within eight months of the effective date of these regulations.~~ The use shall be owned and operated on a property which is subject to a homestead exemption in the name of the use operator or his or her direct relative related by blood or marriage;

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

(E) The use has no history of Town Code violations, or the use has been brought into compliance with the Town Code.

(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 exact physical address and operator or his or her direct relative related by blood or marriage; (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 an active annual local business tax receipt; and (6) acknowledging that, in the event of the transfer of the property to a new owner, the right to operate the use shall cease.

(G) The owner-operator has undergone a review and inspection by the Town to determine compliance with Sections (A) – (F) above.

FLORIDA STATUTES

AGRIGULTURE

REFERENCES

Chapter	Title	Purpose Statement	Definitions
1.01(12)	Definitions	In construing these statutes and each and every word, phrase, or part hereof, where the context will permit:	Whenever the terms **Agriculture, Agricultural Purposes, Agricultural Uses,** or words of similar import are used in any of the statutes of the state, such terms include aquaculture, horticulture, and floriculture; aquacultural purposes, horticultural purposes, and floricultural purposes; aquacultural uses, horticultural uses, and floricultural uses; and words of similar import applicable to agriculture are likewise applicable to aquaculture, horticulture, and floriculture.
159.27	Definitions	The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:	**Agricultural Processing or Storage Facility** - Property used or useful in the separation, cleaning, processing, converting, packaging, handling, storing, and other activities necessary for the preparation of crops, livestock, related products, and other products of agriculture, including nonfarm facilities for production of agricultural products in whole or in part through natural processes, animal husbandry, and apiaries.
163.3162(2)	Agricultural Lands and Practices	As used in this section	**Farm** – Ref: FS 823.14 **Farm Operation** - Ref: FS 823.14 Farm **Product** – Any plant, as defined in FS 581.011 or animal useful to humans and includes, but is not limited to, any product derived therefrom
163.3163(3)	Applications for development permits; disclosure and acknowledgment of contiguous sustainable agricultural land.	As used in this section	**Contiguous** - Touching, bordering, or adjoining along a boundary. Properties that would be contiguous if not separated by a roadway, railroad, or other public easement are considered contiguous. **Farm Operation** – Ref: 823.14. **Sustainable agricultural land** - Land classified as agricultural land pursuant to s.193.461 which is used for a farm operation that uses current technology, based on science or research and demonstrated measurable increases in productivity, to meet future food, feed, fiber, and energy needs, while considering the environmental impacts and the social and economic benefits to the rural communities.
163.3164	Community Planning Act; definitions.	As used in this act	**Development** - Ref: FS 380.04
163.3221	Florida Local Government Development Agreement Act; definitions	As used in ss. 163.3220-163.3243:	**Development** - The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. **Developer** - Any person, including a governmental agency, undertaking any development.
193.461(3)(b)	Agricultural lands; classification and assessment; mandated eradication or quarantine program	Not stated	**Bona fide agricultural purposes** - Good faith commercial agricultural use of the land. 1.In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration: a. The length of time the land has been so used. b. Whether the use has been continuous. c. The purchase price paid. d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment. e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices. f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease. g. Such other factors as may become applicable.

212.02	Definitions	The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:	**Agricultural Commodity** - Horticultural, aquacultural, poultry and farm products, and livestock and livestock products. **Farmer** - A person who is directly engaged in the business of producing crops, livestock, or other agricultural commodities. The term includes, but is not limited to, horse breeders, nurserymen, dairy farmers, poultry farmers, cattle ranchers, apiarists, and persons raising fish. **Livestock** - All animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals raised for commercial purposes. The term "livestock" shall also include fish raised for commercial purposes. **Power Farm Equipment** - Moving or stationary equipment that contains within itself the means for its own propulsion or power and moving or stationary equipment that is dependent upon an external power source to perform its functions. **Agricultural Production** - The production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the harvest phase, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.
253.67	Definitions	As used in FS 253.67-253.75	**Aquaculture** - The cultivation of aquatic organisms and associated activities, including, but not limited to, grading, sorting, transporting, harvesting, holding, storing, growing, and planting.
320.01	Definitions, general	As used in the Florida Statutes, except as otherwise provided	**Agricultural Products** - Any food product; any agricultural, horticultural, or livestock product; any raw material used in plant food formulation; and any plant food used to produce food and fiber.
380.04	Definition of development	Not stated	**Development** - The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. The following activities or uses shall be taken for the purposes of this chapter to involve "development," as defined in this section: (f) Clearing of land as an adjunct of construction. (g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land. The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined in this section: e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
403.927(4)	Use of water in farming and forestry activities	As used in this section	**Agricultural Activities** - All necessary farming and forestry operations which are normal and customary for the area, such as site preparation, clearing, fencing, contouring to prevent soil erosion, soil preparation, plowing, planting, cultivating, harvesting, fallowing, leveling, construction of access roads, placement of bridges and culverts, and implementation of best management practices adopted by the Department of Agriculture and Consumer Services or practice standards adopted by the United States Department of Agriculture's Natural Resources Conservation Service, provided such operations are not for the sole or predominant purpose of impeding or diverting the flow of surface waters or adversely impacting wetlands. **Agricultural Water Management Systems** - Farming and forestry water management or irrigation systems and farm ponds which are permitted pursuant to chapter 373 or which are exempt from the permitting provisions of that chapter. **Farm Pond** - A pond located on a farm, used for farm purposes, as determined by water management district rule.

468.382	Definitions	As used in this act	**Livestock** - Any animal included in the definition of "livestock" by FS 585.01 or FS 588.13. **Agricultural Product** - The natural products from a farm, nursery, grove, orchard, vineyard, garden, or apiary, including livestock, tobacco, and vegetables and includes those agricultural products as defined in chapter 618.
482.021	Definitions.	For the purposes of this chapter, and unless otherwise required by the context	**Agricultural Area** - An area: (a) Upon which a ground crop, trees, or plants are grown for commercial purposes; (b) Where a golf course, park, nursery, or cemetery is located; or (c) Where farming of any type is performed or livestock is raised.
487.2031	Definitions	For the purposes of this part	**Agricultural Employer** - Any person who hires or contracts for the services of workers to perform activities related to the production of agricultural plants or any person who is an owner of, or responsible for, the management or condition of an agricultural establishment that uses such workers. **Agricultural Establishment** - Any farm, forest, nursery, or greenhouse. **Agricultural Plant** - Any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, fiber plants, trees, turfgrass, flowers, shrubs, ornamentals, and seedlings.
553.73	Florida Building Code.	Not stated	None
570.02	Definitions	The following words and phrases as used in this chapter and in the agricultural laws of this state, unless the context otherwise requires, shall have the meanings respectively ascribed to them in this section:	**Agriculture** - the science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production. For the purposes of marketing and promotional activities, seafood shall also be included in this definition. **Agricultural business products** - Nonconsumable products used in the producing, processing, distribution, and marketing of consumable farm products, including, but not limited to, machinery, equipment, and supplies. **Agricultural marketing facilities** - State-owned wholesale and retail markets managed by the Bureau of State Farmers' Market.
571.03	Definitions	As used in this part:	**Agricultural product** - Any fresh or processed horticultural, aquacultural, viticultural, dairy, poultry, apicultural, or other farm or garden product.
571.23	Definitions.	For purposes of this part, the following terms shall have the following meanings	**Agricultural product** - Any fresh or processed horticultural, aquacultural, viticultural, fish or seafood, dairy, poultry, apicultural, or other farm or garden product.

573.103	Definitions.	As used in FS 573.101-573.124	**Agricultural commodities** - Any and all aquacultural, agricultural, apicultural, horticultural (including floricultural), viticultural, and vegetable products produced in this state or any class, variety, or utilization thereof, either in their natural state or as processed by a producer for the purpose of marketing such product, or by a processor as herein defined, and shall include, but not be limited to, any one, any combination thereof, or all of the agricultural products, livestock and livestock products, poultry and poultry products, timber and timber products, fish and seafood, and the products of the farms, waters, and forests of this state. "Agricultural commodities" includes citrus regulated pursuant to chapter 601 only for the purpose of funding production research and associated activities related to chemical residue; the term does not include citrus with respect to any other citrus-related activity, whether or not that activity is regulated by or described in chapter 601. **Container** - A crate, bag, box, basket, carton, package, bulk load, or other unit used in the packaging, transportation, sale, shipment, or any other unit used in the handling of agricultural commodities. **Distributor** - Any person who engages in the operation of selling, marketing, or distributing, in the primary channel of trade, agricultural commodities which the person has produced, or purchased or acquired from a producer, or is marketing on behalf of a producer, whether as owner, agent, employee, broker, or otherwise, but shall not include a retailer as herein defined. **Handler** - Synonymous with shipper and means any person, except a common or contract carrier of agricultural commodities owned by another person, engaged within this state as a distributor in the business of distributing agricultural commodities in the primary channel of trade. **Retailer** - Any person who purchases or acquires any agricultural commodities for resale at retail to the general public, unless such retailer engages in the business of a distributor.
580.031	Definitions of words and terms.	As used in this chapter	**Commercial feed** - All materials or combinations of materials that are distributed or intended to be distributed for use as feed or for mixing in a feed for animals other than humans, except: (a) Unmixed whole seeds, including physically altered entire unmixed seeds, when such seeds are not chemically changed or are not adulterated within the meaning of s. 580.071. (b) Unground hay, straw, stover, silage, cobs, husks, and hulls, and individual chemical compounds or substances, when such commodities, compounds, or substances are unmixed with other substances and are not adulterated within the meaning of s. 580.071. (c) Feed mixed by the consumer for the consumer's own use made entirely or in part from products raised on the consumer's farm, except as is provided by rules of the department. **Distribute** - To offer for sale, sell, barter, or exchange commercial feed or feedstuff or to supply, furnish, or otherwise provide commercial feed or feedstuff for use by any consumer or customer in the state. **Distributor** - Any person who distributes commercial feed or feedstuff. It does not include persons who sell brand name feed at retail on behalf of a registrant who manufactures such feed.

581.011	Definitions	As used in this chapter	**Certificate of registration** - An official document issued by the division to nurseries, stock dealers, agents, and plant brokers as evidence of being properly registered with the division in compliance with the requirements of this chapter and of any of the rules promulgated hereunder. **Nursery** - Any grounds or premises on or in which nursery stock is grown, propagated, or held for sale or distribution, except where aquatic plant species are tended for harvest in the natural environment. **Nursery stock** - All plants, trees, shrubs, vines, bulbs, cuttings, grafts, scions, or buds grown or kept for or capable of propagation or distribution, unless specifically excluded by the rules of the department. **Plant broker** - A person who transacts the transfer of plants from a seller to a buyer and who may or may not be in actual physical possession of the plants. **Plants and plant products** - Trees, shrubs, vines, forage and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from them, unless specifically excluded by the rules of the department.
586.02	Definitions	As used in this chapter	**Apiary** - A beeyard or site where honeybee hives, honeybees, or honeybee equipment is located. **Apiculture** - The raising, caring for, and breeding of honeybees. **Beekeeping equipment** - Honeybee hives, frames, supers, pallets, queen excluders, and other equipment which is used in the cultivation of honeybees and the harvesting of products produced by honeybees. **Honeybee products** - Honey, beeswax, pollen, propolis, and other products resulting from the activities of honeybees.
604.40	Farm equipment	Not stated	None
604.50(2)	Nonresidential farm buildings; farm fences; farm signs	As used in this section	**Farm** - Ref: FS 823.14 **Farm sign** - A sign erected, used, or maintained on a farm by the owner or lessee of the farm which relates solely to farm produce, merchandise, or services sold, produced, manufactured, or furnished on the farm. **Nonresidential farm building** - Any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under FS 553.73(10)(c) or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.
604.60	Damage or destruction of agricultural products or agricultural production systems; civil action.—	As used in this section	**Agricultural product** - The natural products from a farm, nursery, grove, orchard, vineyard, garden, or apiary, including livestock, tobacco, and vegetables, and includes aquacultural, horticultural, viticultural, forestry, aquatic, dairy, livestock, poultry, bee, and any farm products. **Agricultural production system** - Land, buildings, or equipment used in the production of any agricultural product as defined in paragraph (a).

618.01	Definitions	In construing this chapter, where the context permits, the word, phrase, or term	**Agricultural products** - Shall include aquacultural, horticultural, viticultural, forestry, aquatic, dairy, livestock, poultry, bee, and any farm products.
773.01	Definitions	As used in FS 773.01-773.05	**Equine** - A horse, pony, mule, or donkey. **Equine activity** - means: (a)Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines including, but not limited to, dressage, hunter and jumper horse shows, grand prix jumping, three-day events, combined training, rodeos, riding, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding, gymkhana games, and hunting. (b)Equine training or teaching activities or both. (c)Boarding, including normal daily care of an equine. (d)Riding, inspecting, or evaluating an equine belonging to another by a purchaser or an agent, whether or not the owner has received monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser to ride, inspect, or evaluate it. (e)Rides, trips, hunts, or other equine activities of any type, no matter how informal or impromptu, that are sponsored by an equine activity sponsor. (f)Placing or replacing horseshoes or hoof trimming on an equine. (g)Providing or assisting in veterinary treatment.
810.011	Definitions	As used in this chapter	**Structure** - A building of any kind, either temporary or permanent, which has a roof over it, together with the curtilage thereof. However, during the time of a state of emergency declared by executive order or proclamation of the Governor under chapter 252 and within the area covered by such executive order or proclamation and for purposes of ss. 810.02 and 810.08 only, the term means a building of any kind or such portions or remnants thereof as exist at the original site, regardless of absence of a wall or roof. **Cultivated land** - That land which has been cleared of its natural vegetation and is presently planted with a crop, orchard, grove, pasture, or trees or is fallow land as part of a crop rotation. **Fenced land** - That land which has been enclosed by a fence of substantial construction, whether with rails, logs, post and railing, iron, steel, barbed wire, other wire, or other material, which stands at least 3 feet in height. For the purpose of this chapter, it shall not be necessary to fence any boundary or part of a boundary of any land which is formed by water. **Litter** - Any garbage, rubbish, trash, refuse, debris, can, bottle, box, container, paper, tobacco product, tire, domestic or commercial appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, or farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. **Commercial horticulture property** - Any property that is cleared of its natural vegetation and is planted in commercially cultivated horticulture products that are planted, grown, or harvested. The term also includes property that is used for the commercial sale, use, or distribution of horticulture products.

812.015	Retail and farm theft; transit fare evasion; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—	As used in this section	**Farm produce** - Livestock or any item grown, produced, or manufactured by a person owning, renting, or leasing land for the purpose of growing, producing, or manufacturing items for sale or personal use, either part time or full time. **Farmer** - A person who is engaging in the growing or producing of farm produce, milk products, honey, eggs, or meat, either part time or full time, for personal consumption or for sale and who is the owner or lessee of the land or a person designated in writing by the owner or lessee to act as her or his agent. No person defined as a farm labor contractor pursuant to s. 450.28 shall be designated to act as an agent for purposes of this section.
823.14(3)	Florida Right to Farm Act	As used in this section	**Farm** - The land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products. **Farm operation** - All conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, and fumes; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor. **Farm product** - Any plant, as defined in s. 581.011, or animal or insect useful to humans and includes, but is not limited to, any product derived therefrom. **Established date of operation** - The date the farm operation commenced. If the farm operation is subsequently expanded within the original boundaries of the farm land, the established date of operation of the expansion shall also be considered as the date the original farm operation commenced. If the land boundaries of the farm are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent established date of operation. The expanded operation shall not divest the farm operation of a previous established date of operation.

ULDC

AGRICULTURE

REFERENCES

WITH

EVALUATION TABLE

To: ULDC Review Committee

From: Jim Fleischmann, Town Planning Consultant

Re: Review of ULDC Agriculture Language

Date: October 10, 2013

MEMO

The ULDC Committee will be conducting its last scheduled discussion of "Agriculture" at its October 17, 2013 meeting. To expedite the review process, the following 2 items are attached:

1. ULDC Agricultural Language Review Matrix (Matrix); and

2. ULDC sections that address agriculture. Each page is assigned a handwritten page number. Further, Code sections that address agriculture are highlighted in yellow for ease of reference.

The Matrix is provided to simplify the ULDC review process. It is requested that each ULDC member complete the Matrix prior to the October 17th meeting citing his or her preference among the following alternatives for each of agricultural items listed in the Matrix:

1. Retain the language where it currently exists in the ULDC.

2. Move the language to Article 65. *"Agricultural uses"* in the ULDC.

3. Delete the language from the ULDC in its entirety.

4. Delete the language from the ULDC and incorporate it within a separate ordinance entitled: "Agricultural uses".

ULDC Agricultural Language Review Matrix
ULDC MEMBER:_____

Review Document Page #	ULDC Section	Recommendation (Check Preference)				
		Subject	Retain As Is	Move to ULDC Section 65	Delete From ULDC	Move to New Ag Ordinance
2	10-015 (A)	Terms not defined in the ULDC				
3	10-015 (A)	"Agriculture" definition				
3	10-015 (A)	"Agriculture, bona fide" definition				
4	10-015 (A)	"Aviary" definition				
4	10-015 (A)	"Aviculture" definition				
5	10-015 (A)	"Commercial equestrian operations" definition				
6	10-015 (A)	"Development" definition				
7	10-015 (A)	"Equestrian" definition				
7	10-015 (A)	"Equipment, farm and land cultivation" definition				
8	10-015 (A)	"Farm" definition				
8	10-015 (A)	"Farm and land cultivation equipment" definition				
8	10-015 (A)	"Farm building or structure" definition				
8	10-015 (A)	"Farm operation" definition				
8	10-015 (A)	"Farm product" definition				
11	10-015 (A)	"Nursery" definition				
11	10-015 (A)	"Nursery, retail" definition				
12	10-015 (A)	"Nursery, wholesale" definition				
16	10-015 (A)	"Swine" definition				
17	10-015 (A)	"U-pick farm" definition				

Review Document Page #	ULDC Section	Recommendation (Check Preference)				
		Subject	Retain As Is	Move to ULDC Section 65	Delete From ULDC	Move to New Ag Ordinance
20	20-005(A)	Purpose of Agricultural Residential District				
20	20-010(B)	Animals and livestock: Number allowed, fencing, setbacks, and exceptions to number allowed				
22	20-010(G)(1) and (2)	Outdoor storage regulations				
22	20-010(G)(3)	Outdoor screening regulations				
23/24	20-015	Permitted Uses: "Commercial Equestrian Operations"; Wholesale Nursery"; "Retail Nursery"; "Aviculture"; "Feed Lots"; "Agriculture"; "U-Pick Farms"; and "Private Stables".				
25	20-030(D)(2)	Special Exception for increase in lot coverage and F.A.R. for agriculture uses				
27	45-005(B)	Property maintenance regulations not to be used to restrict bona fide ag. uses if activity not determined to be a "public nuisance".				
33	Article 65	Agricultural uses				
42/43	80-050	Aviculture (Conditional Use regulations)				
53	85-060	Landscaping requirements for bona fide agriculture uses				
56	87-010	"Agriculture bona fide" definition				

Review Document Page #	ULDC Section	Recommendation (Check Preference)				
		Subject	Retain As Is	Move to ULDC Section 65	Delete From ULDC	Move to New Ag Ordinance
57	87-015(C)	Activities exempt from upland clearing General Permit				
63	87-030(D)	Tree mitigation for bona fide agricultural uses				
67	130-035(A)(9)	Drainage BMPs required for agricultural uses				

AGRICULTURE

1. GO DEFINED
2. REF TO REGULATORY AGENCIES
3. RIGHT OF TOWN FOR ESTABLISH NUISANCE REGS. →

Article 10 - DEFINITIONS, ABBREVIATIONS, AND CONSTRUCTION OF TERMS

REF TO PROPER REGULATORY AUTH + NUISANCE ORDS

Section 10-005. - Construction of terms.
Section 10-010. - Abbreviations.
Section 10-015. - Definitions.

ALL REFS TO AG IN ULDC THAT REGULATE OR DEFINE BE REMOVED. BLANKET STMT BE INCLUDED AG REF LAND BE RETAINED.

Section 10-005. - Construction of terms.

For the purpose of the ULDC, certain terms used herein are defined. When not inconsistent with the context:

(A) Words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular number.

(B) The word "shall" is always mandatory and not merely directory.

(C) The word "may" is permissive.

(D) The word "structure" shall include the word "building."

(E) The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used.

(F) The word "occupied" includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

(G) The word "land" shall include water surface.

(H) The word "person" includes individuals, firms, corporations, associations, trusts, joint ventures, partnerships, estate, syndicates, fiduciaries, government agencies, two or more persons having a joint or common interest, any combination of the preceding, and other similar entities.

(I) The word "Town" shall mean the Town of Loxahatchee Groves, Florida.

(J) The word "Council" shall mean the Town Council of the Town of Loxahatchee Groves, Florida.

(K) The word "Councilmember" shall mean the members of the Town Council of the Town of Loxahatchee Groves.

(L) The word "County" shall refer to Palm Beach County, Florida.

(M) The word "Code" shall refer to the Unified Land Development Code of the Town of Loxahatchee Groves, Florida.

(N) The word "Plan" shall mean the Town of Loxahatchee Groves Comprehensive Plan.

(O) The word "Manager" shall mean the Town Manager of the Town of Loxahatchee Groves, Florida.

(P) Any reference to the Town Manager, Town Attorney, Town Engineer, Town Planner, Code Enforcement Officer or other administrative official of the Town of Loxahatchee Groves, Florida, shall include their designees.

(Q) Any reference to the Town Engineer shall include any of the engineering firms the Town may utilize for Town permit review, general development review, or infrastructure

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planning or review.

Section 10-010. - Abbreviations.

The following abbreviations are used in the ULDC and are intended to have the following meanings:

(A)	ac	acre
(B)	du	dwelling unit
(C)	F.A.R.	Floor area ratio
(D)	FLUM	Future Land Use Plan Map of the Comprehensive Plan
(E)	ft.	foot
(F)	F.S.	Florida Statutes
(G)	LOS	Level of service
(H)	NVGD	National Vertical Geodetic Datum
(I)	sq. ft. or sf.	square feet
(J)	SFR	Single-family residence
(K)	ULDC	Unified Land Development Code

Section 10-015. - Definitions.

(A) Any term not defined in this section shall have the meaning given by the most recent edition of Webster's Unabridged Dictionary.

Abandonment. To stop the use of property intentionally. When the use of property has ceased and the property has been vacated for six months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, substantially repair or use the property for a legally permissible use.

Accessory building. A separate building, subordinate in area and height to a principal building or use, as applicable, devoted to an accessory use on the same plot with the principal building or principal use.

Accessory dwelling unit. An accessory dwelling unit located on the same lot as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and provisions for sanitation and sleeping.

Accessory use. A use naturally and customarily incidental, subordinate, and subservient to the principal use of the premises, and located on the same plot as the principal use. The area of an accessory use shall be subordinate to that of the principal use.

Acre. Forty-three thousand five hundred-sixty square feet of land.

Adult day care facility. An establishment which provides day care and activities for adolescents or adults who require supervision due to physical or mental limitations.

Adult Entertainment. Any facility that features live persons, or taped or published images of persons, engaging in sexual activity or exposing specified anatomical areas, but specifically excluding

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naturist facilities.

Agriculture. As defined by F.S. § 570.02, as may be amended from time to time, which states: The science and art of production of plants and animals useful to humans, including to a variable extent the preparation of these products for human use and their disposal by marketing or otherwise, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production. For the purposes of marketing and promotional activities, seafood shall also be included in this definition.

Agriculture, bona fide. A business that receives a reduction in property tax due to the use of part or of all of the property for the production of products as defined under "Agriculture" in Section 10-015. See Ch. 193.461 F.S. and Article 65 "Bona Fide Agricultural Uses" of this Unified Land Development Code.

Alcoholic beverage. Any beverage containing more than one percent of alcohol by weight.

Alcoholic beverage establishment. Any bar, lounge, saloon, bottle club, nightclub, private club, package store or any place or premises, other than a private residence or a fast-food or full service restaurant as defined herein, where alcoholic beverages are sold or dispensed for consumption by customers, patrons or members on or off of the premises, and not in conjunction with a meal. Establishments that provide only snack foods or prepackaged foods incidental to consumption of alcoholic beverages on the premises shall be considered alcoholic beverage establishments.

Alter. "Alter", "altered" or "alteration" shall mean any change in size, occupancy or use of a building or structure; any repair or modification to a building or structure, or use; the erection or placement of any sign; the excavation or filling of any water area; the addition or removal of fill and movement of earth; the addition, removal or modification of any paving or landscaping.

Animal, domesticated. Any animal that has been bred or raised to live in or about the habitation of humans.

Animal, large. Any animal with a body weight of more than 150 pounds.

Animal, small. Any animal, including small farm animal, with a body weight of 150 or fewer pounds, but not including swine or poultry.

Animal manure management, commercial. The handling, storage, and treating of animal manure and soiled bedding material on a consistent and active basis including the production and wholesale of organic compost for land application as a business or a for-profit activity.

Animal manure management, private. The handling, storage, and treating of animal manure and soiled bedding material on a consistent and active basis including the production and wholesale of organic compost for land application, for private or nursery use, excluding dumping and excluding filling.

Archaeological resources. Objects and materials which yield information important in history or prehistory and are physical evidence of past human activity. Archaeological resources may be identified using on-site investigations or site predictive models.

Arterial or arterial roadway. A street having that meaning given in F.S. § 334.03, as may be amended from time to time. Arterials are identified in the Transportation Element of the Comprehensive Plan.

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Auditorium. A building or complex of buildings that has facilities for cultural, entertainment, recreational, athletic and convention activities or performances.

Automobile repair, garage. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning, etc.

Aviary. A place for keeping birds confined.

Aviculture. The raising and care of birds in captivity but not including small birds (e.g., parakeets) located in the home as pets.

Back-out parking. A parking lot design which forces a vehicle to use the public or private right-of-way to maneuver in and out of a parking stall.

Bar, lounge or saloon. Any place devoted primarily to the retailing and consumption on the premises of malt, vinous or other alcoholic beverages not served as an accessory to meals prepared on the premises, and any place where one or more signs are displayed indicating that alcoholic beverages are obtainable for consumption on the premises.

Bed and breakfast. An owner-occupied and operated detached dwelling unit, other than a hotel, rooming house or boarding house, where sleeping accommodations without individual food preparation facilities, are provided for transient guests, with at least one meal per day prepared within a centralized kitchen for guests included for a nightly fee, and which does not utilize outside services or employees, except for those customarily found in single-family residential neighborhoods such as housekeeping and landscape maintenance. Bed and breakfasts accept reservations directly on the premises and advertise themselves as bed and breakfasts.

Boarding or rooming house. An establishment providing transient lodging for a nightly fee that is not a hotel or bed and breakfast dwelling.

Building. Any structure having a solid roof and having walls on all sides, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building permit. For purposes of concurrency/adequacy determination and required parking calculations, "Building Permit" means a permit required by the Florida Building Code, as may be amended from time to time, for the erection or construction of a new building, addition to an existing building, or change in occupancy that may require additional parking pursuant to Article 95, "Parking and Loading," or may impact services or facilities subject to concurrency requirements, including one or more additional dwelling units, or additional nonresidential building area. In any other context, the term refers to any permit required under the Florida Building Code, as may be amended from time to time.

Caretaker(s) quarters. A dwelling that provides housing for a person who is employed to maintain, repair and protect the property on which the dwelling is located.

Carports. A private garage not completely enclosed by walls and doors.

Change of occupancy. The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Child care center. A place for the day care and/or instruction of children not remaining overnight, includes preschools.

Chipping and mulching. The use of equipment designed to cut tree limbs, brush or wood construction debris into small pieces including the production and wholesale of mulch for land application.

Civic center. A building or complex of buildings that house governmental offices and services, and/or which may include cultural, recreational, athletic, convention and entertainment facilities owned or operated by a governmental agency.

Club, private. Buildings and facilities or premises used or operated by associations and organizations of a fraternal or social character, not operated or maintained for profit. The term "private club" shall not include casinos, night clubs or other institutions operated as a business. Such organizations and associations shall be incorporated under the laws of Florida as nonprofit organizations.

Code compliance officer or code inspector. The officers and/or agents of the Town officially authorized by the Town to enforce the provisions of this Code.

Collector or collector roadway. A street having that meaning given in F.S. § 334.03, as may be amended from time to time.

Commercial equestrian operations. Businesses and activities other than for the personal enjoyment of the property owners or lessees, and their family and friends, that feature limited horse boarding, riding instruction, horse grooming and care instruction, horse training, horse breeding, guided or unguided horse back riding, and equestrian accessory uses, where the ratio of human participants to horses is consistently no greater than two to one, unless the use involves a one time group instruction on horse care, training, riding, or similar equestrian instruction, whereby all participants are engaged simultaneously in such instruction.

Commercially zoned land. Any land or water area whose zoning district classification is Commercial Low (CL) or Commercial Low Office (CLO).

Community residential facility. A residential building or buildings designed or altered to provide housing, food service, and personal services to persons unrelated to the owner or manager of the facility, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents, and which is licensed by the State of Florida or other government agency for such purposes.

Completely enclosed building. A building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls pierced only by windows and normal entrance or exit doors.

Concurrency. The statutory requirement that public facilities and services needed to support development shall be available at the same time or coincidental with the impact of such development, as provided by law.

Contiguous. Directly adjoining; immediately adjacent; contiguous plots have at least one side of each plot which touches one side of the other plot or plots with no separator between the plots including, but not limited to, a public right-of-way, private street, or canal.

Day labor hiring center. A profit or non-profit facility at which job seekers congregate to be

hired by the day or by the job for short periods of time by third parties that are typically engaged in the construction, maintenance, agricultural or industrial trades. Job seekers must be present to receive and accept a job offer or be transported to a job site, and typically return to the facility for payment. Related support services may be offered to job seekers while they wait onsite.

Density. The maximum number of dwelling units permitted on a specific number of acres of land.

Developed. Land or water upon which a permitted building, structure, other improvement or use has been constructed or established, and including land that has undergone development as defined herein, but excluding solely underground utilities, pipes, wires, cable, culverts, conduits or other similar underground improvements and excluding structures bearing overhead power transmission lines that carry at least 500 kilovolts of electrical power, provided such lands contain no other buildings or structures. This term shall not include containers having a maximum capacity of forty gallons or less.

Developer. Any person undertaking any development as defined in this section.

Development. The meaning given in F.S. § 380.04, as may be amended from time to time, provided the term specifically includes any construction, clearing, filling, excavating, grading, or paving, whether or not any such activities are occurring on a previously improved property. The Loxahatchee Groves comprehensive plan specifically recognizes the right of property owners to subdivide their property into five acre single family residential parcels without such land division being deemed development under F.S. § 380.04.

Development order. An order authorizing the granting, denying, or granting with conditions of an application for a development permit.

Development permit. Any building permit, engineering permit, zoning permit, subdivision or plat approval, modification to a condition of plat approval, including an amendment or revision to a non-vehicular access line, site plan approval, amendment to the notation on the face of a plat, application for placement of a notation on the face of a plat, rezoning, variance or other official action of the Town having the effect of permitting the development of land, but does not include any variance or other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the Florida Building Code, as may amended from time to time.

Display. An arrangement of goods reflecting the occupation or business, wares or other objects used or sold on the premises, for the purpose of bringing the subject thereof to the attention of others without the use of a sign.

District. A portion of the territory of the Town of Loxahatchee Groves within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code. The term is short for "zoning district."

Drive-through facility. Any place or premises used for the sale or dispensing of products to patrons who enter upon the premises in automobiles and purchase products through a window or door without leaving their vehicle.

Driveway. An area that connects the parking aisles of a parking lot, the parking area of a dwelling unit, a loading area, or otherwise provides vehicular access from private property, to the public right-of-way, to a private street, or to another driveway.

Driveway entrance. That portion of a driveway that immediately abuts the public right-of-way or

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a private street.

Dumpster. A container constructed of impervious material that is intended and designed to be used for the retention or storage of garbage, refuse or recyclable materials.

Dwelling. Any building, or part thereof, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently.

Dwelling, detached. A single dwelling unit physically detached from other buildings, dwelling units or structures.

Dwelling, single-family. A freestanding dwelling unit, sharing no walls with another dwelling unit, having all habitable areas within the building accessible from the interior of the building. Single-family dwellings shall not include trailer mobile homes, rooming or boarding houses, or dormitories, fraternities and sororities.

Dwelling unit. A room or group of rooms not less than 400 square feet in total floor area, with direct access from the outside of the building or through a common hall, which includes independent and complete kitchen and sanitary facilities designed to provide complete, long-term living accommodations exclusively for one family, and which have no access to another dwelling unit or are designed in such a manner that access to another dwelling unit may be eliminated by closing or sealing interior doorways or openings.

Employment agency. A business that charges a fee for providing information and placement services to candidates seeking employment and/or clients looking for qualified candidates. Candidates register with the agency, but do not wait on-site or at a central location for full time, part time, or temporary assignments. Vocational guidance, employment counseling, resume writing, executive recruitment, payroll processing, and similar personnel services may also be offered.

Environment. Includes, but is not limited to, ambient air, surface water, land surface, subsurface soil strata or groundwater.

Environmental regulation. Any federal, state, county or Town law relating to pollution or protection of the environment. It includes, but is not limited to, any federal, state, county or Town statute, or regulation that pertains, in whole or part, to any existing or potential emission, discharge or release of any pollutant, contaminant, chemical, toxic waste, hazardous waste or solid waste into the environment. The term "environmental regulation" also includes, without limitation, any such statute or regulation relating to the manufacture, processing, distribution, use, treatment, storage, disposal, transport or handling of any pollutant, contaminant, chemical, toxic waste, hazardous waste or solid waste.

Equestrian. Of, relating to, or featuring horseback riding.

Equipment, farm and land cultivation. See "farm and land cultivation equipment."

Essential services. The erection, construction, alteration or maintenance by public utilities or governmental agencies, of underground or overhead sanitary sewer, communication, gas, electrical, steam or water transmission or distribution systems, and drainage facilities, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, transformer substations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

Family. Any of the following living together as a single housekeeping unit in a dwelling unit: any number of persons related by legal adoption, blood or a licit marriage; a group of not more than three persons who are not related by legal adoption, blood or licit marriage; or a group of persons that are disabled as defined by federal law.

Family day care home. The meaning given in F.S. § 402.302, and regulated by § 402.313, both as may be amended from time to time.

Farm. The land, buildings, structures, support facilities, machinery, and other appurtenances used in the production of farm and aquaculture products when such land is classified agricultural pursuant to F.S. § 823.14, as may be amended from time to time.

Farm and land cultivation equipment. Any operable vehicle and equipment necessary for conducting an agricultural or equestrian use. Landscape maintenance equipment used on the plot (e.g., lawn tractor) is also included in this definition, but shipping containers, and landscape maintenance vehicles associated with a business that provides such services off-site, are not included.

Farm building or structure. Any building or structure located on a plot classified as a farm, which is used to house or store farm products or materials and equipment necessary to farm operations. A farm structure shall also include fences, walls and hedges along the plot line of a farm.

Farm operation. All conditions or activities by the owner, lessee, agent, independent contractor, and supplier that occur on a farm in connection with the production or marketing of a farm's products.

Farm product. Any plant, as defined in F.S. § 581.011, as may be amended from time to time, or animal useful to humans and including, but not limited to, any product derived therefrom, or as defined in F.S. § 823.14, as may be amended from time to time.

Fence. A structure, solid or otherwise, which is a barrier and used as a boundary or means of protection, confinement or concealment.

Floor area, gross floor area. Where a specified minimum floor area is required in the ULDC for a dwelling or other building, "floor area" shall mean the total gross horizontal area of all of the floors within the external perimeter of the exterior enclosing walls, including Florida rooms, sun rooms and utility rooms which are fully enclosed and directly accessible from the interior of the dwelling, but excluding other utility rooms, unenclosed porches, terraces or breezeways, and carports or garages. For purposes of floor area ratio and parking calculations, "floor area" or "gross floor area" means the total gross horizontal area of all of the floors within the external perimeter of the exterior enclosing walls.

Floor area ratio (F.A.R.). The total gross floor area of all buildings or structures on a plot divided by the plot area.

Food service. Preparation and/or provision of food for consumption intended for individual portion service on or off the premises regardless of whether there is a charge for the food.

Food service establishment. Any place where food service is provided, and includes the site at which food is prepared and the site at which individual portions are provided, regardless of whether consumption is on or off the premises. The term does not include private homes where food is prepared or served for individual family consumption.

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Frontage of a building. Shall mean the wall(s) of a building approximately parallel and nearest to a street(s).

Frontage of property. Shall mean any plot line which separates a plot from a street, or the line separating an ingress/egress easement within a plot from the remainder of the plot.

Garage, private. An accessory building or portion of a single-family dwelling designed or used for inside parking of self-propelled private passenger vehicles by the occupants of the dwelling.

Gasoline station. Any building, structure, or land used for retail sale and dispensing of vehicle fuel(s).

Governmental facilities. A building or complex of buildings that house the administrative offices of the Town of Loxahatchee Groves, any department, commission, district, authority, board, independent agency or instrumentality of the United States, the State of Florida, county, or any other governmental unit.

Grade, established or finished. The elevation of land above mean sea level in its final, graded condition.

Guest cottage. A structure or any part of a structure ancillary to a detached single-family dwelling unit, excluding mobile homes, and located on the same plot as the principle dwelling unit, that is occupied in whole or in part as the temporary residence or living quarter of one or more persons. This definition shall include any such living quarter that is connected to the principal dwelling unit by an open or enclosed breezeway or other structure that serves to merely connect the guest quarter to the principal dwelling, as contrasted with a customary home addition that is physically and functionally integral to the principal dwelling.

Habitable room area. The total floor area of a dwelling unit excluding closets, bathrooms, garages, utility rooms, storage areas, and rooms not accessible from the interior of the dwelling unit.

Hazardous substances. Any substance or material which, by reason of its toxic, caustic, corrosive, abrasive, explosive, pyric, or otherwise injurious properties, may be detrimental or deleterious to the health or safety of any person handling or using or otherwise dealing with such material or substances.

Height. For all buildings and structures, except as provided below, the vertical distance from the highest point of finished grade at the location of the building pad to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof, to the mean height level between eaves and ridge for gable, hip and gambrel roofs, and to the highest point of any non-roofed structure, provided that any portion of the finished grade exceeding ten feet N.V.G.D. shall be included in the height calculation. Sign height is defined within Article 90, "Signs." For structures other than buildings and signs, height shall be the vertical distance from the finished grade below the structure to the highest point of the structure, provided that the height calculation of structures placed on berms shall include the height of the berm.

Holiday wayside stand. A temporary outside sales location for the retail sale of holiday items associated with the particular holiday for which the location is established, and not associated with or part of any existing use on the plot upon which it is located.

Home occupation. Conduct of a business in a home office.

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.

Hospital. An institution providing primary health services, medical and/or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, handicap and other physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel. A public lodging establishment containing individual rooms or suites of rooms accessed primarily through an inside lobby, each having a private bathroom, for the purpose of providing overnight, transient lodging accommodations to the general public for compensation with or without meals, which has common, on-site facilities for reservations, cleaning services and on-site management, and may provide additional, accessory services such as restaurants, meeting rooms, health and fitness, spa, entertainment and/or recreational facilities.

Household pet. An animal that resides in the dwelling with its owner, kept for companionship and enjoyment.

Impervious area. Any area with a surface that is covered or hardened so as to prevent or impede the percolation of water into the soil mantle, including swimming pools, water bodies and areas covered with brick pavers.

Inflammable liquid. Any liquid, which under operating conditions gives off vapors which, when mixed with air, is combustible and explosive.

Kennel, private. Any building or land used, designed or arranged to facilitate the non-commercial, private care of domestic animals, such as dogs and cats, owned by the occupants of the premises and not used for a commercial or not-for profit organization such as a dog club.

Kennel, commercial. A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit.

Kitchen, complete. A room or area within a building designed or used primarily for providing food storage and food preparation that contains, at least a sink with piped water, refrigerator and conventional gas or electric range or cook stove facilities.

Land, platted. Any land recorded by plat in the Palm Beach County Public Records, and can be referenced by a plat name, plat book and page.

Land, unplatted. Any land or part thereof not recorded by plat in the Palm Beach County Public Records and cannot be referenced by plat name, plat book and page.

Library. A building or room in which literary, musical, artistic or reference materials, such as books, manuscripts, recordings, films, paintings, etc., are kept for public use.

Livestock. Grazing animals, such as cattle, horses, sheep, goats, other ruminants, swine, ostriches, emus and rheas, which are used for private use or commercial purposes, or as defined by F.S. § 585.01, as may be amended from time to time.

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Loading area. An area provided off of any public or private right-of-way for the temporary parking of trucks being loaded or unloaded.

Lot. A parcel or tract of land designated and identified as a single unit of area in a subdivision plat officially recorded in the Palm Beach County Public Records.

Lot line. The property boundary lines of a lot.

Medical center. A public or private facility, which staff includes state-licensed physicians and nurses, which provides health-related services or treatment designed to prevent medical problems, maintain a healthful condition, or restore an individual to a condition of health.

Mobile home. A structure, transportable in one or more sections, which is eight body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Museum. A building or room devoted to the procurement, care, study or display of antiques, objects of historical, scientific or cultural interests, or other objects of lasting interest or value.

Nightclub. A restaurant, dining room, bar or other similar establishment where music is played at or above normal conversation sound level such that the music is primary entertainment and not merely background music for ambiance, or where floor shows or other forms of lawful entertainment are provided for guests.

Nonconforming building. A building or structure, or portion thereof, other than a sign, lawfully existing at the effective date of these regulations, or any amendment hereto, that does not comply with the provisions of these regulations, other than use regulations.

Nonconforming plot. A plot of record lawfully existing at the effective date of these regulations, or any amendment hereto, that does not comply with the provisions of these regulations, other than use regulations.

Nonconforming use. The use of a structure or premises, lawfully existing at the effective date of these regulations, or any amendment hereto, for any purpose not permitted for a new use in the zoning district in which it is located.

Nonresidential plot. A plot of land other than a residential plot.

Nonresidentially zoned land. Land or water area within any zoning district other than the Agriculture Residential (AR) zoning district.

Not-for-profit corporation. A corporation of which no part of the corporate income is distributable to its members, directors or officers as defined by F.S. ch. 617, as may be amended from time to time.

Nursery. A place where plants are propagated and/or grown to usable size sale, or for experimentation, and which may include such accessory uses as the limited and incidental sale of accessory items, the provision of landscape design services, and delivery and installation of plants purchased from the nursery. This term expressly excludes lawn and landscape maintenance businesses and mulching operations as commercial or principal uses.

Nursery, retail. A nursery, the products of which are sold directly to the ultimate consumer.

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Nursery, wholesale. A nursery, the products of which are sold to a retailer and not directly to the ultimate user.

Opaque. Any non-translucent, nontransparent, nonliving material which provides a visual barrier from one side to the other.

Outdoor event. A carnival, circus, concert, festival, commercial promotion, show, competition, sale and other similar types of events, as well as any outdoor activity that is not a permitted principal or accessory outdoor use of the premises shall be classified as an outdoor event. Outdoor events shall also include permitted accessory uses of a scale, intensity or frequency that exceeds the customary and incidental scale, intensity or frequency of the given accessory use.

Package store. An establishment where the sale of alcoholic beverages in containers for consumption off the premises is the predominate purpose of the establishment.

Parking. The temporary, transient storage of vehicles or equipment as an accessory use to a dwelling or other use for a period generally not exceeding 24 hours, while their operators are engaged in other activities. This definition excludes the storage of vehicles or equipment.

Parking facility. An area designated for the parking of private passenger vehicles not on a street or other thoroughfare. It shall not include storage of new or used cars for sale, service, rental, or any other purpose than specified above.

Parking facility, full circulation. A parking lot design which permits a car entering a parking lot to circulate in front of all parking stalls and restart the same movement again without using a street or alley and without backing up and then turning around.

Parking facility, partial circulation. Parking lot design which permits a car entering a parking lot to circulate in front of all parking stalls without using any public or private street right-of-way, and without the need to back up and turn around, but which does not allow complete recirculation through the parking facility without using a street or alley and without the need to back up and turn around.

Parking aisle. The area immediately adjacent to the car parking stalls which permits maneuvering of the cars entering and leaving a parking stall, and which connects the parking stalls to the driveway.

Parking stall or "parking space." The space that is necessary to park a car, excluding aisles and driveways, and conforming to the minimum dimensions and other requirements of this Code.

Pervious area. Area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water directly into the soil mantle.

Place of worship. A building, or part thereof, designed and arranged for religious services, on land held in fee simple ownership or on a long-term lease, a minimum of five years duration, by a chartered religious organization, which utilizes the building for regular, continuing religious services.

Plat. A map or delineated representation of a tract or parcel of land showing the designation of such land as lot(s), block(s), parcel(s), or other portions thereof, however the same may be designated. The verb "to plat", in whatever tense used, means to prepare a plat in accordance with Town of Loxahatchee Groves' and Florida's minimum platting requirements, showing the division or subdivision of land into lots, blocks, parcels, tracts or other portions thereof, however the same may be designated. "Plat" does not refer to a boundary plat unless the term "boundary plat" is used specifically.

Platted land. See, "land, platted."

Plot. Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is occupied or to be occupied by a building, structure, or use, and their accessory buildings and accessory uses, together with such yards and open spaces as are required by this Code as a unit. A plot may consist of one or more platted lots, or portions of a platted lot and/or unplatted land.

Plot, corner. A corner plot is a plot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an interior angle of not more than 135 degrees. Where a plot is on a curve, if tangents through the intersections of the lot lines with the street lines make an interior angle of not more than 135 degrees, such a plot is a corner plot. In the case of a corner plot with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein described.

Plot coverage. The percentage of the plot area covered or occupied by buildings or roofed structures or portions thereof. Swimming pools, decks, barbecue pits, terraces and other appurtenances not roofed-over shall not be included in computing plot coverage.

Plot depth. The mean horizontal distance between the front and rear plot lines.

Plot, flag. A plot not meeting the minimum frontage requirement and where access to a public street is established by a narrow private street or easement.

Plot, interior. A plot other than a corner plot.

Plot line. The boundary lines of a plot. Has the same meaning as, "property line."

Plot line, front. The plot line coinciding with, or adjacent and parallel, to the street line. For corner plots and through plots, the front plot line shall be determined using the methodology set forth in the definition of "street line, front" as it applies to corner and through plots.

Plot line, rear. The plot line opposite and most distant from the front plot line. In the case of a triangular or gore-shaped lot wherein the two side plot lines converge in the rear, the rear plot line shall be considered to be a line ten feet in length within the plot parallel to and at the maximum distance from the front plot line.

Plot line, residential. Any plot line of a residential plot.

Plot line, side. Any plot line other than a front or rear plot line. A side plot line separating a plot from a street is called a corner side plot line, and is considered a street line. A side plot line separating a plot from another plot or plots is called an interior or side plot line.

Plot, residential. A plot with an Agricultural Residential (AR) zoning district classification.

Plot, through. A plot abutting two streets, not at their intersection, if any, which may be an interior plot or also a corner plot.

Plot width, required. The minimum required horizontal distance between the side plot lines at the full depth of the required front yard.

Porch. A roofed-over space attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure.

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Potable water. Water which is satisfactory for drinking, culinary and domestic purposes and which meets the quality standards of the Florida Department of Environmental Regulation, Chapter 17-22, Florida Administrative Code, as may be amended from time to time.

Portable storage unit. Any container designed for the storage of personal property which is typically rented to owners or occupants of residences or businesses for their temporary use, and which may be delivered to a residence or business and later retrieved from the premises by vehicle and stored in a commercial storage facility until needed by the renter. Portable storage units shall not include shipping containers.

Poultry. Domesticated birds kept for eggs or meat, but excluding any emu or ostrich.

Principal building. A building occupied by, and devoted to, a permitted principal use.

Principal use. The primary use of a parcel of land as distinguished from secondary or accessory uses. There may be more than one principal use on a parcel of land unless prohibited within a given zoning district.

Private property. All lands and water areas owned by other than the Town, county, state, federal government or any of its subdivisions.

Private road. A road or driveway that is privately owned and limited to the use of the owner or a group of owners who share the use and maintenance. A private road is not owned by a government entity.

Property owner. The person or entity holding title to real property as indicated in the current tax roll of Palm Beach County, unless the Town has received by certified mail an official document establishing that a person or entity other than the person or entity shown on the tax roll is the actual owner.

Public property. All streets, canals, waterways, other rights-of-way, lands, and improvements owned by a governmental agency.

Quarry. A place where natural materials or deposits are excavated for use as building materials, road materials, land fill, etc. at a different location. The excavation of materials for use on the premises where the excavation occurs shall not be included in this definition.

Refuse. Unwanted or undesired material or substance including rubbish, junk, trash, garbage, excess fill or compost, and animal manure.

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

Residential plot. See "plot, residential."

Residential zoning district. Agricultural Residential (AR) zoning district.

Residentially zoned land. Any land or water area within a residential zoning district.

Restaurant. A building or room, where food is prepared and served for pay, which may include consumption on the premises.

Restaurant, fast food. A restaurant which functions for the purpose of serving either short-order meals or individual food items, but is not a full service restaurant as defined herein. A fast food

restaurant may or may not have drive-thru window.

Restaurant, full service. A restaurant which functions for the purpose of serving complete meals both ordered from a menu and brought to the customer via table service by a restaurant employee, prepared and cooked in a kitchen within the restaurant for on-premises consumption, but shall include cafeterias. Full service restaurants do not have drive-through windows.

Retail store. A commercial establishment for the sale of merchandise directly to the ultimate consumer.

Right-of-way. An area of land and/or water that has been dedicated, deeded, reserved, or otherwise conveyed to the public for public use, ownership and control, and intended to be occupied by uses such as a street, walkway, trail, utility infrastructure, canal or other storm water conveyance. The term "right-of-way" shall mean "public right-of-way" unless preceded by the word "private," which for the purpose of the ULDC shall have the same meaning as an easement.

Right-of-way line. See "street line."

Right-of-way line, ultimate. See "street line, ultimate."

Roof line. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Setback. The minimum distance measured from a property line, or ultimate street line if the plot abuts a street, and any part of any building or structure on the plot, unless a specific improvement is specifically excepted as a permitted encroachment or called out separately with a different setback. All areas in between the setback line and the plot or street line, as applicable, are yards.

Setback line. The line or vertical plane representing the setback distance and yard depth, also described as the edge of any required yard, demarcating the vertical plane that separates a required yard from the 'buildable' portion of the plot where principal structures may be erected.

Setback line, required. The line representing the minimum required setback/yard depth.

Setback, required. The minimum setback required by any ULDC provision. A minimum setback requirement creates a minimum yard requirement, and a minimum yard requirement has the same effect as requiring a minimum setback.

Shipping container. Any container originally designed for transporting cargo, or a container that is similar in design or function to such a container, but excluding a portable storage unit.

Shopping center. A group of three or more individual tenant spaces in a nonresidential building, each of which shares at least one common wall with another unit.

Shopping center outparcel. A plot containing a commercial building that provides its own required parking, landscaping and pervious areas, which is contiguous on at least one side to a shopping center or other larger commercial development, and which is connected to the larger development through parking or access facilities.

Site plan. A drawing illustrating a proposed development and prepared in accordance with the specification set forth in Article 155 of these regulations.

Storage of vehicles. The keeping of vehicles or equipment upon a plot for a period exceeding 24 hours that does not constitute "parking" as defined herein. Whenever storage of vehicles is

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permitted within these regulations, parking is also permitted by inference.

Street. A thoroughfare or any other vehicular accessway recorded in the public records of Palm Beach County, Florida, as right-of-way, reservation, ingress/egress easement or similar instrument for the sole purpose of providing access to and from abutting properties. Streets may be publicly dedicated or private.

Street lines. Shall mean the lines that form the boundaries of a public street right-of-way, public or private ingress/egress easement, or other access reservation or conveyance.

Street line, front. For corner lots, the front street line shall be the shorter of the two street lines unless they are each equal or within 50 feet of equal length, in which case the Town Manager shall designate one such street line as the front street line and designate one rear lot line based upon neighboring building orientation and access considerations. For through lots, both street lines shall be front street lines.

Street line, ultimate. The street line that would result from dedication of right-of-way or granting of an access easement based upon the total public or private right-of-way prescribed for any given street by these regulations, the Comprehensive Plan, Palm Beach County Code, or any other official plan.

Structural alteration. Any change, except for repair or replacement, in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure. Anything constructed, installed, erected or portable, the use of which requires a location in or on the ground, or attached to something having location upon the ground, such as buildings, trailers, fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs.

Surface water management system. The collection of devices, improvements or natural systems whereby surface waters are controlled, impounded, or obstructed. The term includes dams, impoundments, reservoirs and appurtenant works as defined in F.S. § 373.403(1—4), as may be amended from time to time, as well as all artificial structures including, but not limited to, ditches, canals, conduits, channels, culverts, pipes, and other construction that conveys, impounds, or controls surface water.

Swale. Land within a street other than the travel surface, and land adjacent to a street that holds, is designed to hold, or is required by the ULDC to contain and/or to convey storm water runoff from a street and private property abutting the street.

Swine. Any of various stout-bodied short-legged omnivorous artiodactyl mammals (family Suidae) with a thick bristly skin and a long flexible snout; especially a domesticated one descended from the wild boar.

Trailer. A manufactured structure inspected, approved and licensed by the State of Florida Department of Motor Vehicles, constructed so as to permit occupancy thereof as sleeping or living quarters, or use for storage or conveyance for tools, equipment or machinery on a construction site, and so designed that it is or may be mounted on wheels and conveyed on highways and streets, propelled or drawn by other motive power from one location to another.

Translucent. Any material which allows the passage of light, but does not permit a clear view of any object or person.

U-pick farm. A farm which allows customers to hand pick fruits, vegetables and other crops for a price usually charged by the size of the container.

Use. The purpose of which land or a structure thereon is designed, arranged or intended to be occupied or utilized, or for which it is utilized, occupied or maintained.

Use (v.). "Use" or "used" shall mean the continuation of an existing use, establishment of a new use, or any expansion or change of an existing use, of a building, structure or part thereof, or of any land or water area.

Use of land. Includes use of water surfaces and land under water to be the extent covered by zoning districts, and over which the Town of Loxahatchee Groves has jurisdiction.

Use, nonresidential. A use other than residential use (see use, residential).

Use, principal or main. The primary use of the plot as distinguished from secondary or accessory uses. There may not be more than one principal or main use on a plot unless specifically permitted by district regulations.

Use, residential. A use such as a one-family dwelling for living or sleeping of persons, not commercial or institutional in character such as a lodging establishment or nursing home.

Variance. A modification of, or deviation from, a regulation of the ULDC which is authorized and approved by the Town Council after it finds through competent substantial evidence that the literal application of the provisions of the Code would cause unnecessary hardship in the use or development of a specific plot, building, or structure, and that such modification or deviation satisfies the criteria for the granting of variances set forth in Article 150 of these regulations.

Vehicle, commercial. Any operable vehicle designed, intended or used for the transportation of people, goods or things, other than private passenger vehicles, agricultural equipment and personal recreation vehicles, provided that any vehicle with a commercial sign placed upon it shall be considered a commercial vehicle. The term "commercial vehicle" shall include, but is not limited to the following:

a. *Semi trailer.* All two or more axle vehicles designed to be coupled to and drawn by a motor vehicle.
b. *Truck.* A motor vehicle designed with or modified to contain a bed, platform, cabinet, rack or other equipment for the purpose of carrying items or things or performing commercial activities and weighing 8,000 pounds or more. This term includes, but is not limited to, wreckers, tow trucks, dump trucks, utility or service vehicles, and moving vans.
c. *Truck-tractor.* A motor vehicle having four or more wheels designed to draw a semi-trailer and often equipped with a "fifth wheel" for this purpose.
d. *Bus.* Any vehicle designed or modified for transportation of 15 or more people in seats permanently placed in the vehicle.
e. *Business vehicle.* Any vehicle upon which a business name is displayed. This term includes, but is not limited to, taxis, limousines, ambulances, and vans, but excludes security vehicles which are providing security services to the area where the vehicle is parked.

Vehicle and equipment, construction. Any equipment used in land clearing and development, building construction, utility construction, or road construction.

Vehicle, personal recreation. Any operable motor vehicle or trailer designed and used for general recreation purposes or temporary living quarters for recreational, camping, or travel use, including but not limited to: camping trailers; travel trailers; truck campers; motor homes, but excluding mobile homes which are considered housing; watercraft; and, trailers designed or used for transporting watercraft or other recreational vehicles, but excluding any trailer classified as a commercial vehicle or which is pulled or designed to be pulled specifically by a commercial vehicle.

Vehicle, private passenger. A motor vehicle weighing less than 8,000 pounds, designed and used for personal transportation, including cars, pickup trucks, sport utility vehicles, minivans, and motorcycles.

Vehicle, recreational. Shall mean one of the following:

a. *Camping trailer.* A vehicular, portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle, and unfolded at the site to provide temporary living quarters for recreational, camping or travel use.
b. *Truck camper.* A truck equipped with a portable unit, designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping or travel use.
c. *Motor home.* A vehicular unit which does not exceed the length and width limitations provided in F.S. § 316.515, as may be amended from time to time, is built on a self-propelled motor vehicle chassis, and is primarily designed to provide temporary living quarters for recreational, camping or travel use.
d. *Off-road vehicle.* A motorized vehicle designed and intended solely for recreational activities and not as a means of transportation on public streets.
e. *Travel trailer, including fifth-wheel travel trailer.* A vehicular, portable unit mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use. It has a body width of no more than eight and one-half feet and an overall body length of no more than 40 feet when factory-equipped for the road.

Vehicular use area. Parking facilities, driveways, and any area designed or used for vehicular circulation, parking, loading, stacking or storage.

Water management area. A portion of a development that is a functional part of the "surface water management system" and is designed for the normal impoundment, storage, or conveyance of surface water or stormwater.

Waterway. A stream, canal or body of water.

Wayside stand. A structure designed and used for the sale or display of farm products produced on the premises on which said structure is located.

Wetlands. Those areas which are inundated by water, with sufficient frequency to support, and normally do support an assemblage of organisms that is adapted to saturated or seasonally saturated soil conditions for growth and reproduction including, but not necessarily limited to swamps, marshes, bogs, sloughs, wet meadows, river flood plains, mud flats and wet prairies.

Wildlife pets. Shall include only those animals that have been designated as endangered species, threatened species, or species of special concern by the State of Florida or federal government, and are permitted in private ownership by the Florida Fish and Wildlife Conservation

Commission. This definition shall not include any dangerous or poisonous animal of the reptile or amphibian species.

Wireless communication facility. An antenna, stealth facility or wireless communication tower.

Yard. A space on the same plot with a structure or use, open and unobstructed from the ground to the sky unless specifically excepted by the ULDC. Yard measurements shall be the minimum horizontal distances. Yards shall extend and be measured inward from the respective plot lines except for yards abutting streets, in which case they shall be measured from ultimate street lines.

Yard, front. A yard extending across the full width of the plot between the front street line and the nearest line of the buildings or structures on the plot. For plots along culs-de-sac, the front yard shall be measured parallel to the arc of the cul-de-sac.

Yard, rear. A yard extending across the full width of the plot between the rear plot line and nearest line of a building or structure.

Yard, required. The minimum yard depth required by these regulations. Any yard space supplied in excess of the minimum amount specified shall not be deemed to be a required yard. Note: a minimum setback requirement creates a minimum yard requirement, and a minimum yard requirement has the same effect as requiring a minimum setback.

Yard, side. A yard extending from the front yard to the rear yard, between the side plot line, or side street line if applicable, and the nearest line of any building or structure on the plot. The width of a side yard shall be the shortest distance between the side plot line or side street line and the nearest use or building or structure on the plot.

Yard sale or garage sale. The sale of a residential occupant's personal or household belongings to the public from the occupant's residence, either inside or outside of the building.

Article 20 - RESIDENTIAL ZONING DISTRICTS

Section 20-005. - Purpose and intent of districts.
Section 20-010. - General provisions.
Section 20-015. - Permitted uses.
Section 20-020. - Irrigation installation/maintenance and landscape maintenance operations.
Section 20-025. - Minimum plot size and dimension.
Section 20-030. - Plot coverage, floor-to-area ratio, and pervious area.
Section 20-035. - Setbacks.
Section 20-040. - Height.

Section 20-005. - Purpose and intent of districts.

(A) *Agricultural Residential (AR).* Agricultural Residential zoning districts are intended to apply to areas of the Town designated as Rural Residential on the Future Land Use Plan Map of the Comprehensive Plan. The purpose is twofold. First, it is to protect, preserve and enhance the rural and agricultural character and life-style of existing very low density areas. Second, it is to protect the existing tree canopy and natural environment, promote and enhance wildlife habitat and natural systems, and reinforce the unique character of the Town through the establishment of native landscapes.

Section 20-010. - General provisions.

The following requirements shall apply to the Agricultural Residential (AR) Zoning District.

(A) *Accessory dwelling units.* One accessory dwelling unit is permitted per parcel of land subject to the following standards:

(1) *Parcel size.* Parcels shall be five acres or greater.

(2) *Maximum floor area.* Accessory dwelling units shall contain no greater than 1,200 square feet of livable, floor space.

(3) *Ownership.* The accessory dwelling unit shall remain accessory to and under the same ownership as the principal dwelling.

(4) *Electric utilities.* Both the principal single family dwelling and the accessory dwelling shall be connected to the same electric utility meter.

(5) *Compatibility.* An accessory dwelling unit shall be architecturally compatible in character and subordinate in size to the principal dwelling unit.

(B) *Animals and livestock.* The breeding raising, and/or keeping of animals and livestock as an accessory use to a permanent dwelling shall be subject to the following standards:

(1) *Number.* The number of animals and livestock permitted shall be based on parcel size as follows.

a. *Livestock.* Four livestock, not including swine, are permitted per every one acre of land, except that parcels of at least five acres are permitted eight livestock per every acre of land and parcels over ten acres in size shall

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have no limit to the number of livestock per acre.

b. *Small domesticated farm animals.* Fifteen small domesticated animals are permitted per every one-half acre of land.

c. *Large domesticated farm animals.* Two large domesticated animals are permitted per every one acre of land.

d. *Poultry.* Parcels under one acre shall be limited to four birds per every one-quarter acre.

e. *Swine.* One swine is permitted per property of one acre or greater, except for pot bellied pigs, which shall be considered livestock.

f. *Wildlife pets.* Ten wildlife pets are permitted on properties of five acres or greater provided that the wildlife pets are permitted and licensed by the State of Florida.

g. *Household pets.* A maximum of ten household pets are permitted on a property.

(2) *Fences.* All animals shall be kept within a fence to prevent the animals from accessing streets or adjacent properties. It shall be the responsibility of each animal owner to ensure that the fence is maintained in a state of good repair and that the animal is confined to the property.

(3) *[Setback.]* All structures, including pens, cages or enclosures, but excluding fences, that house or restrain animals of any type shall be setback a minimum of 50 feet from all property lines.

(4) *Exceptions.* Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.

(C) *[Caretaker's quarters.]* Caretaker's quarters are permitted on parcels with a bona fide agricultural use.

(D) *Construction trailers.* One construction trailer may be placed on a plot for a period of time not to exceed one year during active construction of a permanent dwelling to serve as temporary living quarters for the owners of the home under construction. Construction trailers shall also be subject to the following standards.

(1) *Location.* The construction trailer shall be in compliance with all setback requirements.

(2) *Permit issued.* No construction trailer shall be placed upon any such property until a building permit for construction of the dwelling has been issued. The permit shall be posted in such a manner that it can be observed from the exterior of the construction trailer.

(3) *[Removal.]* The construction trailer must be removed from the property upon completion of the permanent dwelling or other principal building(s) or at the end of the one year period, whichever occurs first. The Town Manager may grant one extension of a maximum six months, upon petition from the property owner, provided the petition demonstrates unexpected hardship, and steady construction progress such that construction can reasonably be completed within the six month extension period. A decision of the Town Manager to deny the request for extension may be appealed to the Town Council subject to the requirements of Article 145, "Administrative Appeals."

(E) *Fences, walls, hedges, gates and entry features.* Fences, hedges, gates and entry features are permitted on all properties with a zoning designation of Rural Residential or Agricultural Residential. Walls are not permitted on a property line that abuts a road unless a Special Exception is granted by the Town.

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(1) *Height.* Fences and walls shall not exceed six feet in height in front yards and eight feet in height in side or rear yards. Hedges and natural vegetation shall not be subject to maximum height limitations. Height shall be measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall.

(2) *Appearance.* The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance. Dark or fluorescent colors are prohibited.

(3) *Materials.* Fences and walls shall not be electrified or contain any materials such as broken glass, spikes, nails, razors or barbs designed to inflict discomfort, pain, or injury to a person or animal, except as permitted below:

a. *Barbed wire.* Barbed wire shall be permitted for use as fencing material on all plots.

b. *Low voltage electric wire.* Low voltage electric wire, otherwise known as hot wire, shall be permitted for use as fencing material on all plots.

(4) *Sight distance.* Fences, walls and hedges shall comply with Article 105, "Sight Distance."

(5) *Decorative gates, features, and light posts.* Decorative gates, features, and light posts attached to fences or walls may exceed the height of fences or walls by three feet provided that they are located in the front yard.

(F) *Groom's quarters.* Groom's quarters are permitted on parcels where there are equestrian uses and a stable with 18 or more stalls.

(G) *Outdoor storage.* Outdoor storage of merchandise and inventory, vehicles and equipment, refuse and other similar materials shall be subject to the following standards.

(1) *Generally.* All outdoor storage shall only be permitted when incidental to the use located on the premises or explicitly permitted as a primary use in Section 20-015, "Permitted uses."

(2) *Location.* Outdoor storage of merchandise and inventory, vehicles and equipment, refuse or similar materials shall not be located in any required setbacks, easements, or rights-of-way, except as permitted below:

a. *Construction Vehicles, equipment and fill.* Construction Vehicles, equipment, and fill may be temporarily stored in required setbacks, easements, or rights-of-way during construction in easements or rights-of-way.

b. *Nursery plants and trees.* Nursery plants and trees may be permanently stored in all required setbacks.

(3) *Screening.* All outdoor storage shall not be visible from roadways or neighboring properties except as permitted below:

a. *Farm and land cultivation equipment.* Farm and land cultivation equipment necessary for conducting a permissible agricultural use does not need to be screened from view provided that the vehicles are operable for immediate use, located on the plot upon which they are used, and are registered to an owner or lessee of said plot.

b. *Equestrian transports.* Equestrian transports do not need to be screened from view provided that the aggregate capacity of equestrian transports does not exceed the number of stables or horses kept on the property, whichever is greater.

c. *Nursery plants and trees.* Nursery plants and trees do not need to be screened from view.

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d. *Construction vehicles, equipment and fill.* Construction vehicles, equipment, and fill do not need to be screened from view provided that the related construction activity is permitted, continuous and on-going.

e. *Commercial and recreational vehicles.* A maximum of two commercial or recreational vehicles may be stored on a plot of land without screening, provided that the vehicles are routinely operated/maintained by a permanent, full-time resident of the property.

f. *Inactive vehicles and equipment.* Vehicles and equipment that are in need of repair may be stored on a plot of land without screening provided that the vehicle or equipment has not been in a disassembled state or incapable of immediate use for more than seven consecutive days.

(4) *Fluids.* Vehicles and equipment that have been disassembled or incapable of immediate use for more than 28 consecutive days shall have all of its fluids drained and properly disposed.

(H) *Swimming pools.* Swimming pools are permitted provided that the pool is located on the same plot as a primary use and it is fully enclosed with a fence or wall a minimum of four feet in height above the ground, measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall. Screen enclosures which meet all requirements of the Florida Building Code shall also constitute compliance with this provision. Fences or walls shall be of such a design and material as will prevent unauthorized access to the pool area. All gates must be equipped with self-closing, self-latching mechanisms. All fences and gates shall comply with all requirements of the Florida Building Code pertaining to required barriers around public swimming pools.

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 subject to Article 80
Public Schools	Permitted
Congregate Living Facility, Type 1	Permitted
Non-Profit Community Recreational Facilities	Permitted w/Special Exception
Essential Services	Permitted
Commercial Equestrian Operations	Permitted w/Special Exception
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception
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
Outdoor Events	Permitted w/Special Exception
Agriculture	Permitted

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Bona Fide Agriculture	Permitted
Wireless Communication Facilities	Permitted w/Special Exception

Accessory Uses	Agricultural Residential (AR)
Accessory Dwelling	Permitted
Groom's Quarter	Permitted
Caretaker's Quarter	Permitted
Home Offices	Permitted subject to Article 80
Residential Enterprise	Permitted subject to Article 80
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception
U-Pick Farms	Permitted w/Special Exception
Private Kennels	Permitted
Private Stables	Permitted
Yard Sales	Permitted subject to Article 80

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

Irrigation installation/maintenance operations and landscape maintenance operations are expressly prohibited in the Agricultural Residential (AR) Zoning District.

Section 20-025. - Minimum plot size and dimension.

Plots located in Agricultural Residential (AR) Zoning District are subject to the following size and dimensional standards.

(A) *Minimum plot size.* No plot shall be developed for a residential use unless the plot contains five or more acres.

(B) *Minimum dimension.* No plot shall be developed for residential use unless the plot has a frontage (width) and depth of at least 200 feet.

(C) *Exceptions.* The following exceptions shall apply:

(1) *Nonconforming plots of prior record.* Plots which were of public record prior to, and became nonconforming as a result of, the adoption of the Town of Loxahatchee Groves Unified Land Development Regulations may be developed for residential use despite not meeting the minimum plot size and dimensional requirements.

(2) *Nonconforming plots due to public right-of-way dedication.* Any plot which becomes nonconforming as a result of the required dedication of a public right-of-way may be developed for residential use despite not meeting the minimum plot size and dimensional requirements.

(3) *Plot with frontage on curved street or cul-de-sac.* On curving streets, such as culs-de-sac, the required frontage for lots between the points of curvature may be reduced by 40 percent, provided the centerline radius of the contiguous street

is 125 feet or less.

Section 20-030. - Plot coverage, floor-to-area ratio, and pervious area.

Plots located in the Agricultural Residential (AR) zoning district are subject to the following standards.

(A) *Plot coverage.* The combined area of all buildings and roofed structures shall not exceed 15 percent of the plot area.

(B) *Floor-to-area ratio.* Uses other than a single family residence shall not exceed a combined floor-to-area ratio of 15 percent.

(C) *Pervious area.* The minimum pervious area shall be 70 percent of the plot area.

(D) *Exceptions.* The following exceptions shall apply:

(1) Plot coverage and floor-to-area ratio calculations shall not apply to buildings used for growing plants including, but not limited to, greenhouses, shade houses, and hydroponics nurseries.

(2) To the extent that an applicant needs to exceed plot coverage and/or floor-to-area ratio for a bona fide agricultural use, the applicant shall obtain a Special Exception pursuant to Article 170, and must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

Section 20-035. - Setbacks.

All buildings and structures in the Agriculture Residential (AR) zoning district shall comply with the following minimum required setbacks:

(A) *Front setback.* One hundred feet.

(B) *Side setback.* Fifty feet.

(C) *Rear setback.* Fifty feet.

(D) *Side street setback.* For properties that abut a street on more than one side, a side street setback of a minimum of 80 feet shall be provided.

(E) *Exceptions.* A nonconforming residential lot may utilize the following setbacks for a single-family dwelling unit only.

(1) Minimum setback requirements:

(a) If the minimum depth dimension is nonconforming:

Front: Thirty percent of lot depth.

Rear: Twenty percent of lot depth.

(b) If the minimum width dimension is nonconforming:

Side interior: Fifteen percent of lot width.

Side street: Twenty percent of lot width.

(c) Nonconforming lots that are 100 feet or less in width and 100 feet or less in depth may apply a 25-foot setback from the affected property line.

(2) The maximum lot coverage is 40 percent of the total lot area or the maximum allowed coverage, whichever is more restrictive.

(3) Accessory structures shall comply with all applicable Code requirements.

(4) To the extent that an applicant desires to decrease the required setback or increase the height of a structure to more than 35 feet for a bona fide agricultural use, the applicant shall obtain a Special Exception pursuant to Article 170, and

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demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

Section 20-040. - Height.

No buildings or structure, or part thereof, shall be erected or maintained to a height exceeding 35 feet in the Agriculture Residential (AR) zoning district except for those specifically excepted from height limitations are identified in Section 15-015, "Exceptions from height limitations."

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Article 45 - PROPERTY MAINTENANCE

Section 45-005. - Purpose and intent.
Section 45-010. - Duty to maintain property.

Section 45-005. - Purpose and intent.

(A) The purpose and intent of this article is to:

(1) Establish and define minimum standards for the proper care and maintenance of public and private properties within the Town of Loxahatchee Groves including the canals contiguous to such lands.

(2) Provide an environment visually free of inoperable and unregistered vehicles and vessels; derelict aircraft; litter; garbage; debris; trash; unmaintained buildings or structures.

(3) Encourage property owners to take reasonable precautions to prevent, discourage, or eliminate unauthorized dumping of vehicles and vessels, derelict aircraft, litter, garbage, debris, and trash.

(4) Require owners of real and personal property to be responsible for the costs of removal of inoperable and unregistered vehicles and vessels, derelict aircraft, litter, garbage, debris, trash, and proper maintenance of buildings and structures.

(5) Protect the public's health, safety and welfare and enhance property values and the quality of life in the Town.

(B) This article shall not be construed to:

(1) Prohibit the collection of garbage or recyclable materials in authorized receptacles for collection by authorized garbage and trash collectors.

(2) Prohibit, restrict, regulate, or otherwise limit any activity of a bona fide agricultural use provided that the activity has not been determined to be a nuisance pursuant to Article 50, "Public nuisances" and the activity is regulated through implemented best management practices or interim measures developed by the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, or water management districts and adopted under F.S. ch. 120, as may be amended from time to time, as part of a statewide or regional program.

Section 45-010. - Duty to maintain property.

(A) It shall be the responsibility of all property owners in the Town to maintain their property free of uncontained litter, garbage, non-vegetative debris and trash.

(B) A maximum of three inoperable and unregistered vehicles and/or derelict aircraft, and other junk items may be kept on residential property only in a manner so that the junk is not visible from other public or private property and does not create a health, safety or environmental hazard. Such storage shall only be permitted as an accessory use and all inoperable and unregistered vehicles shall have all of their fluids drained and properly disposed. Any

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additional number of inoperable and unregistered vehicles or derelict aircraft above three shall be stored in a completely enclosed structure.

(C) It shall be the responsibility of all property owners of developed land to maintain buildings or structures on their property in a state of good repair. "State of good repair" shall mean the following:

(1) *Color.* All residential buildings and structures shall be maintained free of graffiti and free of obvious defects that may affect the health, safety and welfare of the community.

(2) *Doors and windows.* All door and window openings of all buildings and structures in any zoning district shall be covered by windows and doors that are in working order with no obvious defects that may affect the health, safety and welfare of the community. This regulation shall not apply to barns, which shall be exempt from this provision.

(3) *Materials.* Any accessory structure on a plot shall be maintained free of visual disrepair, including but not limited to, bent, broken, cut or missing materials.

Article 50 - PUBLIC NUISANCES

Section 50-005. - Purpose and intent.
Section 50-010. - Excessive noise.
Section 50-015. - Visual detractions or eyesores.
Section 50-020. - Vibration.
Section 50-025. - Objectionable odors.
Section 50-030. - Outdoor lighting.

Section 50-005. - Purpose and intent.

The purpose and intent of this section is to regulate possible nuisances, such as excessive noise, visual detractions or eyesores, odors, vibration, and outdoor lighting which could interfere with the peaceful enjoyment of land.

Section 50-010. - Excessive noise.

(A) The following are prohibited in the Town in that such activities create excessive noise.

(1) Any use, activity or operation which generates a sound level of 55 dB or greater on any surrounding property between the hours of 7:00 a.m. and 10:00 p.m.

(2) Any use, activity, or operation which generates a sound level of 50 dB on any surrounding property between the hours of 10:00 p.m. and 7:00 a.m.

(3) Any use, activity or operation that creates a sound level in excess of the foregoing limits for more than ten percent of any time period of not less than ten minutes, shall be a violation of these regulations.

(B) Sound Level Measurement Compliance shall be determined using a Type 2 or equivalent sound level meter using the A Weighting Scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at the required structural setbacks of the property of the landowner filing the complaint.

(C) The following exceptions apply:

(1) Outdoor events (operating with a valid permit)

(2) Government sanctioned activities (e.g., parades, Town celebrations)

(3) Temporary, Portable Generators used only during periods of electrical power outages in utility distribution systems maintained by the utility service provider.

(4) Sound generated from motor vehicles legally operating on any public right-of-way regulated by F.S. ch. 316, (Uniform Traffic Control Law).

Section 50-015. - Visual detractions or eyesores.

(A) The following are prohibited as public nuisances in that such items create a visual detraction or eyesore to the community, create an attractive nuisance to children, lead to the further accumulation of junk, garbage, trash, litter and debris, contribute to the deterioration of both

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residential and nonresidential areas, or jeopardize the public's health, safety or welfare.

(1) Unauthorized storage and dumping of junk vehicles and vessels, derelict aircraft, junk items, debris, garbage, trash and litter.

(2) All buildings and structures maintained in a state of obvious poor repair.

(3) Any operation in which the following conditions exist:

a. The presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases that are harmful to human or animal life.

b. The presence of improperly built or improperly maintained septic tanks or toilets.

c. The keeping of diseased animals that are dangerous to human health, unless such animals are kept in accordance with a current state or federal disease control program.

d. The presence of unsanitary places where animals are slaughtered, which may give rise to diseases that are harmful to human or animal life.

Section 50-020. - Vibration.

In all districts, no use shall operate nor any activity take place so as to produce vibration noticeable by a person of reasonable sensitivity at the property line, including bass emanating from audio speakers.

Section 50-025. - Objectionable odors.

No person shall cause, suffer, allow or commit the discharge of air pollutants which contribute to an objectionable odor in accordance with Rule 62-296.320(2) F.A.C., as may be amended from time to time.

Section 50-030. - Outdoor lighting.

(A) *Purpose and intent.* The purpose and intent of this section is to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Furthermore, it is to preserve the rural character of the Town of Loxahatchee Groves and promote the health, safety and welfare of the residents by establishing maximum intensities of lighting and controlling glare from lighting fixtures. The provisions of this section shall apply to all outdoor lighting from an artificial light source.

(B) *Definitions.* In addition to terms defined in Article 10, "Definitions, Abbreviations, and Construction of Terms", the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. In the absence of a specific technical definition, words and phrases shall have those definitions and meanings as provided by the Illuminating Engineering Society of North America.

(1) *Athletic field lighting.* Any lighting greater than 35 feet in height utilized to illuminate sports facilities.

(2) *Area light.* Light that produces more than 1,800 lumens.

(3) *Cutoff, full.* A lighting fixture that emits zero percent of its light above 90 degrees and only ten percent above 80 degrees from horizontal.

(4) *Floodlight.* Any light that produces no more than 1,800 lumens in a broad beam designed to saturate or illuminate a given area with light. Generally, flood lights produce from 1,000 to 1,800 lumens. Floodlights are directional fixtures.

(5) *Glare.* The sensation produced by lighting that results in annoyance, discomfort or a reduction of visual performance and visibility, and includes direct and reflected glare. All directional fixtures and any fixture with an output of more than 1,800 lumens that is visible, either directly or by reflection, from adjacent properties or streets shall be considered to cause glare.

(6) *Outdoor lighting.* Lighting located outside of an enclosed building, or otherwise installed in a manner that lights any area other than the inside of an enclosed building.

(7) *Residential and agricultural recreational lighting.* Fixtures of a type or intensity designed or used to light sports courts or equestrian riding areas.

(8) *Spotlight.* Any lighting assembly designed to direct the output of a contained lamp in a specific, narrow and focused beam, with a reflector located external to the lamp. Spotlights are directional fixtures.

(9) *Stadium lighting.* See the definition for "athletic field lighting."

(10) *Temporary lighting.* Portable lights used for a special purpose, on a temporary and rare or infrequent basis, limited to motor vehicle lights during the normal operation of the vehicles, emergency services lights and handheld flashlights and spotlights.

(11) *Uplighting.* Light projected above the horizontal plane formed by the top of fixture.

(C) *Prohibited outdoor lighting.* The following types of outdoor lighting are not permitted in the Town of Loxahatchee Groves.

(1) Uplighting, unless limited to 1,000 lumens and either shielded by an architectural overhang or landscape element, or used to illuminate the flag of the United States of America.

(2) Area lights other than those with full cutoff fixtures.

(3) Lighting that results in glare onto adjacent properties or streets.

(4) Athletic field lighting.

(5) Street lights within residential zoning districts, except as determined necessary by the Town Council to protect public health, safety and welfare based upon consideration of traffic volumes and roadway conditions.

(D) *Outdoor lighting standards.* All applications for a development permit, submitted after the effective date of this Code, shall comply with the following standards.

(1) The overspill of light originating from any plot, regardless of zoning, onto any other plot or street located within a residential zoning district in the Town shall not exceed one-tenth horizontal foot-candle measured at grade level at the property line.

(2) All vehicular use areas, other than those that are accessory to a single-family residence, shall be lighted in compliance with the minimum standards established by the Illuminating Engineering Society of North America. using cutoff lighting with a maximum height of 25 feet. For purposes of this provision, "vehicular use area" does not include streets.

(3) Vegetation screens shall not be employed as the primary means for controlling glare. Glare control shall be achieved primarily through the use of cutoff fixtures, shields and baffles, and the appropriate application of fixture mounting height, lighting intensity, placement and angle.

(4) For development in districts other than Agricultural Residential, electrical feeds for all pole mounted fixtures installed after the effective date of this Code shall run underground, not overhead.

(5) Open air parking lighting shall be controlled by automatic devices that extinguish the lighting between 11:00 p.m. and dawn.

(6)

Outdoor lighting for agricultural or residential uses that exceeds 1,800 lumens per fixture shall be full cutoff fixtures.

(7) Outdoor lighting for agricultural or residential uses that exceeds 1,800 lumens per fixture that is not a full cutoff fixture, and all residential and agricultural recreational lighting shall be approved by the Town prior to installation, in accordance with the procedures set forth for outdoor lighting permits for nonresidential uses set forth in (G) below.

(E) *Nonconforming outdoor lighting.* Any legally installed outdoor lighting that does not conform to all of the provisions of this section shall come into compliance within one years of the effective date of these regulations, except that approval of any application for a development permit that seeks to increase the existing total square footage of structures on a residential plot by 50 percent or more shall require that all lighting on site be brought into compliance with these regulations.

(F) *Outdoor lighting permits for nonresidential uses.* All outdoor lighting on nonresidential plots of greater than 4,000 lumens (separate fixture or combined) per plot shall be approved by the Town prior to installation.

(1) Application. The application for an outdoor lighting permit shall be accompanied by a photometric plan, prepared by a licensed engineer, in sufficient detail to demonstrate compliance with these regulations, including mounting heights, fixture specifications, and isofootcandle plots for individual fixture installations or a ten by ten foot luminance grid for multiple fixture installations. All photometric plans shall overlay a site plan showing all structures, vehicular use areas and walkways. The plan shall also show all existing and proposed trees within 25 feet of any existing or proposed light fixture within the area that is the subject of the photometric plan.

(2) Prior to final inspection and the subsequent issuance of a final approval of any outdoor lighting, a letter of compliance from a registered professional engineer shall be provided to the Town stating that the installation has been field checked and meets the requirements of these regulations.

(3) The Town reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this section, and if appropriate, to require remedial action at no expense to the Town.

(G) *Maintenance.* Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this section.

Article 65 - AGRICULTURAL USES

Section 65-005. - Purpose and intent.
Section 65-010. - Determination of valid agricultural use.
Section 65-015. - Nonagricultural uses and structures on properties with a bona fide agricultural use.

Section 65-005. - Purpose and intent.

The purpose and intent of this article is to protect, and provide regulatory relief for, reasonable agricultural activities conducted on farm land in the Town as consistent with the Florida Right to Farm Act (823.14, F.S.).

Section 65-010. - Determination of valid agricultural use.

Any property owner who seeks the regulatory relief provided for an agricultural use as defined herein, must either provide documentation to the Town from the Palm Beach County Property Appraiser's Office demonstrating that the property is currently classified as agriculture pursuant to F.S. § 193.461, as may be amended from time to time, or as an alternative, demonstrate to the Town Council that the use is agricultural, as defined herein. Once documentation is provided, the Town shall maintain an on-going record of such use and assume that each property continues to maintain its agricultural status unless a claim is made otherwise. If a claim is made otherwise, the property owner shall demonstrate the use is agricultural as provided for in this section.

Section 65-015. - Nonagricultural uses and structures on properties with a bona fide agricultural use.

Nonagricultural uses and structures on properties with a valid agricultural use shall not qualify for modifications or exceptions to the Code based on agricultural status unless specifically stated otherwise.

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Article 80 - CONDITIONAL USES

Section 80-005. - Purpose and intent.
Section 80-010. - Compliance with conditions.
Section 80-015. - Home offices.
Section 80-020. - Residential enterprise.
Section 80-025. - Outdoor event permits.
Section 80-030. - Holiday wayside stands.
Section 80-035. - Yard sales.
Section 80-040. - Archery and gun ranges.
Section 80-045. - Exhibition of Class I and Class II Wildlife.
Section 80-050. - Aviculture.
Section 80-055. - Commercial chipping and mulching.

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 80-015. - 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 80-020. - 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 80-025. - Outdoor event permits.

(A) *[Issuance.]* Permits for certain outdoor events may be issued subject to the granting of a Special Exception and subject to compliance with this section.

(B) *Minimum site requirements.* All outdoor events shall require a minimum of five acres of open space with not less than 200 feet of street frontage on a public right-of-way.

(C) *Setbacks.* No activity, temporary tent, mechanical device, temporary sanitary facility, or animal associated with any outdoor event shall be closer than 300 feet from any surrounding residential plot, nor closer than 100 feet from a street line.

(D) *Access.* Vehicular access onto any plot used for an outdoor event shall be only from a public street as specified in subsection (B), above.

(E) *Parking.* Event parking shall comply with the requirements of Article 95, "Parking and Loading" insofar as the amount of spaces required, minimum parking space size, and minimum aisle widths. All parking spaces may be on an unpaved surface. Temporary barriers, guides, signs, and other temporary markings shall be erected and placed around and within the parking area to facilitate safe and efficient vehicular traffic flow on site.

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(F) *Lighting.* Temporary lighting used to illuminate the outdoor event after dusk shall be designed and arranged to reflect away from adjacent properties and away from any street, and shall comply with Section 50-030, "Outdoor Lighting."

(G) *Temporary structures, exhibits, and mechanical riding devices.* Temporary structures, exhibits, and mechanical riding devices shall be permitted in conjunction with outdoor events subject to permit and inspection requirements of all applicable town, county and state agencies. No temporary structure shall be used for living quarters. All such structures, exhibits, and mechanical riding devices shall be removed from the premises within three days after the conclusion of the event.

(H) *Signs.* One temporary sign advertising the event may be erected on the plot where the event will be held not more than 14 days prior to the event. Such signs shall be no larger than 24 square feet in sign area and no higher than ten feet above the ground, and shall observe the site distance triangle requirement of Article 105, "Sight Distance." The sign shall be removed by the permit holder within three days of the conclusion of the outdoor event.

(I) *Frequency and duration.* No outdoor event shall be permitted for a period of time exceeding three consecutive days, except that rodeos shall be limited to a maximum of three consecutive days. A total of three outdoor events can be permitted within a calendar year on any given property. Hours of operation of any event shall be limited to 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to midnight on Friday and Saturday. Any additional time shall require 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.

(J) *Liability insurance.* Before any permit for an outdoor event is issued, the applicant must provide a certificate showing proof of a public premises liability and product liability insurance policy that provides coverage in the amount of $1,000,000.00. The policy must name the Town as an additional insured and must be issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The policy must be approved by the Town Attorney prior to issuance of any outdoor event permit.

(K) *Performance bond.* Before any permit for an outdoor event is issued, a performance bond or similar security acceptable to the Town and naming the Town as beneficiary in the sum of $1,000.00, shall be executed by the applicant, as principal, and a surety company authorized to do business in the State of Florida and on the list of the United States Treasury. Such security must be approved by the Town Attorney, and shall be in effect for the duration of the outdoor event and for six months subsequent to the end of the event. The security shall be released at the conclusion of the six month time period upon submittal of an affidavit from the applicant that all conditions of the security have been met. The conditions of such security shall be that:

(1) The applicant shall comply fully with all the provisions of the Town of Loxahatchee Groves Code of Ordinances and all applicable county, state or federal laws regarding the sale of goods as permitted;

(2) The applicant will pay all judgments rendered against said applicant for any violation of said laws; and

(3) The applicant will pay all judgments and costs that may be recovered against said applicant by any persons for damage from any misrepresentation or deceptive practice during the transacting of such business.

(L) *Plans.* A plan, drawn to scale, shall be submitted to the Town as part of the Special Exception application indicating the following:

(1) Plot dimensions;

(2) Adjoining streets and points of access to the plot;

(3) Location of all activities and temporary structures and setbacks from plot lines;

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(4) Location and use of any permanent structures and uses existing on the plot;

(5) Location and amount of existing off-street parking areas, proposed temporary additional off-street parking areas and aisles, including dimensions, location of traffic markings, and signs.

(6) Location and number of any loud speakers and description of any use of them (i.e. music, announcements);

(7) Location and number of temporary restroom facilities; and

(8) Description of proposed waste management for both trash and portable toilet facilities.

(M) *Permit applications.* A permit application shall be submitted to the Town Manager, at least 30 days prior to the outdoor event. The permit application shall include the following:

(1) The name and address of the applicant;

(2) The address and legal description of the plot where the event will be held;

(3) The dates and hours of the event;

(4) The type of event and sponsor, if any;

(5) The plan required by subsection (L) above;

(6) An executed performance bond as required in subsection (K) above;

(7) Proof of insurance as required in subsection (J) above;

(8) Notarized authorization of all property owners of record or their authorized agent, for use of the property for the outdoor event;

(9) Proof that the Palm Beach Sheriff's Office or other security officials will be present during the event for safety, security and to direct traffic.

(10) A notarized affidavit of proof of posting the notice sign required by subsection (Q) herein;

(11) The applicable processing and inspection fee, in accordance with the fee schedule in effect;

(12) Proof of notification of the event to all contiguous properties and the written consent of the contiguous owners;

(13) Cleanup and site restoration plan.

(N) *Agency reviews.* Prior to issuance of a permit for an outdoor event, the following entities, as deemed appropriate on a case-by-case basis, shall review and approve the event in accordance with applicable statutes, ordinances and codes:

(1) Town Manager;

(2) Town Attorney;

(3) Health Department (State of Florida) if approval is required;

(4) Department of Agriculture (State of Florida) (if food service is to be provided) if approval is required;

(5) Fire Marshal;

(6) Building Official;

(7) Palm Beach County Sheriff's Office; and

(8) Town's current waste collector.

(O) *Permit issuance.* Once the Town Manager confirms that the application and plot are in compliance with this section and any other applicable code, statute or ordinance, the application shall be placed on the next available Town Council agenda for consideration as a Special Exception. Upon approval by the Town Council, the Town Manager shall issue the permit upon payment by the applicant of a cleanup deposit in the amount of $1,000.00 to the Town to guarantee site restoration. The permit must be posted on the plot for the duration of

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the outdoor event.

(P) *Site restoration.* The permit holder shall be responsible for restoring the plot to its original condition within seven days after the end of the outdoor event. Failure to restore the site to its original condition shall result in forfeiture of the cleanup deposit to the Town. The cleanup deposit shall be used for restoration of the location.

(Q) *Posting of notice.* The applicant must post a sign of sufficient size at least 30 days prior to the beginning date of the outdoor event in a visible location on each street frontage to inform the public of the dates and nature of the outdoor event which will be held on the property.

(R) *[Exceptions.]* Exceptions for not-for-profit corporations holding events on their own property.

(1) Not-for profit corporations which hold outdoor events on their own property shall be subject to all of the requirements set forth above, except the requirements for obtaining a performance bond (subsection (K)), a cleanup deposit (subsection (O)) and posting of notice (subsection (Q)).

Section 80-030. - Holiday wayside stands.

(A) *[Permit issued.]* Permits for holiday wayside stands may be issued for the following holidays for the maximum time periods specified:

Holiday	Maximum Time Period
Independence Day (July 4)	Ten days preceding July 4
Halloween (October 31)	Thirty days preceding October 31
Christmas (December 25)	Thirty days preceding December 25

(B) *[Application.]* An application for a holiday wayside stand permit shall be filed with the Town Manager at least 30 days prior to commencement of the sales period for Halloween and Christmas and at least 60 days prior to commencement of the sales period for Independence Day. The application shall contain the following:

(1) The notarized signature of the applicant;

(2) The names and permanent addresses of all persons responsible for the management or supervision of the holiday wayside stand; the local address of such person or persons while engaged in such business; the capacity in which such person will act (that is, whether as proprietor, agent or otherwise);

(3) The name and address of the person, firm or corporation for whose account the business will be conducted, if any; and if a corporation, under the laws of that state in which it is incorporated and the name and address of its registered agent in the State of Florida; and the federal employer's identification number (EIN) or social security number of the business owner;

(4) The exact address and legal description of the property where the holiday wayside stand will be located;

(5) Proof of a State of Florida sales tax number;

(6) Written, notarized permission from all owners of record of the property, or authorized agent of the owner, where the holiday wayside stand will be located;

(7) Proof of a public premises liability insurance policy that provides coverage in the amount of $1,000,000.00 at each sales location, naming the Town as an additional insured, and is issued by an insurance company authorized by the Florida Department of Insurance

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to do business in the State of Florida. The policy must be approved by the Town Attorney;

(8) A performance bond or similar security acceptable to the Town naming the Town as beneficiary in the sum of $1,000.00 executed by the applicant, as principal, and a surety company authorized to do business in the State of Florida and on the list of the United States Treasury. Such security shall be approved by the Town Attorney, and shall be in effect for the duration of the sales period and for six months subsequent to the end of the sales period. The security shall be released at the conclusion of the six month time period upon submittal of an affidavit from the applicant that all conditions of the security have been met. The conditions of such security shall be that:

a. The applicant shall comply fully with all the provisions of the Town of Loxahatchee Groves Code of Ordinances and all applicable county, state, or federal laws regarding the sale of goods as permitted;

b. The applicant will pay all judgments rendered against said applicant for any violation of said laws; and

c. The applicant will pay all judgments and costs that may be recovered against the applicant by any persons for damage from any misrepresentation or deceptive practice during the transacting of such business.

(9) Not-for-profit corporations which have holiday wayside stands on their own property, for other than the sale of pyrotechnical items, shall not be subject to the requirements for obtaining a performance bond and a cleanup deposit.

(C) *Number of permits.* No permittee shall be issued more than two permits per event. For the purpose of this subsection, permittee shall be deemed the same if any one principal in the legal entity under which the permittee is operating is identical regardless of the structure of the legal entity. At any given location permitted under this section, there shall be a maximum of one holiday wayside stand. Each individual sales location shall require a separate permit.

(D) *Permitted locations.* Locations for sales of merchandise permitted under this section are subject to the following restrictions:

(1) The right to sell pyrotechnical items shall be governed by the laws in place as of March 8, 2007, until such time as the moratorium in Chapter 2007-67 is repealed or expires. At such time, pyrotechnical items may only be sold at locations within a commercial zoning district. Such sales shall not be permitted in areas located within 50 feet of any fuel storage facility or any area required to provide parking in connection with a restaurant or lounge.

(2) Pyrotechnical items may be sold only if each sales location has been approved by the Fire Marshal.

(3) Halloween and Christmas items may be sold at locations within a commercial zoning district, as well as from any property owned by a nonprofit organization, provided the nonprofit organization is conducting the holiday wayside stand operations for charitable or fund-raising purposes and the purpose is specifically indicated on the permit application.

(4) There shall be a minimum of 1,000 feet between any two locations permitted under this section. For purposes of determining which permit application of two or more applications proposing sites within 1,000 feet of one another shall be approved, the date and time each completed application is accepted for processing shall determine the priority.

(E) *Conditions of permits.*

(1) A permittee must, at the time the permit is issued, pay to the Town a cleanup deposit fee

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of $1,000.00. The deposit will be returned if the permittee restores the permitted location to its original presale condition within one week subsequent to the end of the sales period. Otherwise, the deposit will be retained by the Town and used to restore the location.

(2) The permit issued pursuant to this section shall be posted conspicuously at the sales location.

(3) No permit for the sale of pyrotechnical items may be issued unless such items may be lawfully sold pursuant to F.S. ch. 791.

(4) One temporary structure for overnight storage of merchandise shall be permitted at each sales location, subject to compliance with all applicable codes and permit requirements. No temporary structure shall be used for temporary living quarters. Temporary storage structures shall be removed not more than one week after the end of the sales period.

(F) *Signs.* One four-by-eight foot sign on each side of the plot abutting a public street shall be permitted in connection with an approved holiday wayside stand during the sales period. Such signs shall comply with all applicable codes, including permitting requirements.

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.

Section 80-040. - Archery and gun ranges.

Target areas for archery and gun ranges shall provide sufficient separation and barriers sufficient to preclude any intrusion of such activities (including noise above nuisance levels) upon adjacent properties. All gun ranges shall be within a building located on a parcel that has a land use designation of Commercial Low Retail and shall also conform to the Best Management Practices for Environmental Stewardship of Florida Shooting Ranges as outlined by the Florida Department of Environmental Protection.

Section 80-045. - Exhibition of Class I and Class II Wildlife.

Individuals providing care and permanent habitat for Class I and Class II Wildlife that have been abused, neglected or otherwise need sanctuary may request a license from the Town to allow limited exhibition of said wildlife, subject to the provisions of this section.

(A) For purposes of this section only, exhibition of wildlife shall be defined as a public or private showing of Class I and Class II wildlife for financial or other consideration.

(B) For purposes of this section, Class I and Class II wildlife are defined pursuant to Chapter 68-A6, F.A.C., as amended.

(C) The property on which the animals are kept shall have a minimum plot size of five acres and a minimum plot width and length of 300 feet and must conform with all of the minimum requirements established in the Florida Administrative Code.

(D) No wildlife exhibition license may be issued for a location that is within 1,000 feet of

another licensed wildlife exhibitor.

(E) Signage is not permitted.

(F) The owner of the animals must hold a USDA, Animal Welfare Act, Class C Exhibitor License and a Florida Fish and Game Conservation Commission Class I or II (as applicable) License, and must live on the property on a permanent basis.

(G) The owner of the animals shall maintain 501(C)(3) non-profit status for the specific purpose of caring and providing habitat for the wild animals.

(H) All wildlife habitat areas shall be surrounded by a minimum of a six foot high barrier/fence to prevent unauthorized access. The wildlife habitat areas shall also be fully screened from all property lines to a height of six feet through the use of landscape materials or opaque fence materials.

(I) Public premises liability coverage in the amount of $1,000,000.00 shall be maintained at all times. The policy must name the Town as an additional insured and must be issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The Town Attorney must approve the policy.

(J) The number of wild animals on the property shall be limited to three per acre.

(K) At no time shall the property be unattended and without the presence of someone licensed to handle wild animals, or with at least six months experience working under the jurisdiction of the licensee's Federal and State licenses when the owner of the animal(s) is away from the premises.

(L) All parking shall be accommodated on-site, and shall be screened from view along all property lines adjoining any private or public street, or residential plot. Parking areas shall be set back at least 25 feet from any residential plot line. Parking areas need not be paved.

(M) Public admission shall be by appointment only, and shall be limited to 40 people on the property at any given time, except that groups from educational institutions arriving by bus shall be limited to 100 people, and that special events with attendance greater than that provided for herein may be held up to 12 times per year, provided the owner notifies the Town Clerk's Office in writing at least five days prior to the event. The notification shall state the date and hours, nature of the event, and maximum number of people expected.

(N) Noise levels, including noises resulting from public admission, shall not exceed the limits set forth in Section 50-010, " Excessive Noise."

(O) Noise abatement. Wildlife habitat areas shall be designed, constructed and located using noise abatement measures (e.g., locating wildlife which excessively screech, howl, or make loud noises away from property lines; maintaining a thick, vegetated buffer along property lines) to help ensure that noise levels do not exceed the limits set forth in Section 50-010, " Excessive Noise."

(P) Upon determination that an application for an exhibition of Class I and Class II wildlife license satisfies the criteria of this section, the Town shall notice property owners within 1,000 feet of the subject property, by certified mail, that an application for a wild animal habitat license will be administratively approved and issued ten days from the mailing date indicated on the notice, unless a written objection is received by the Town Clerk within the ten day period.

(Q) Upon satisfying all of the conditions for licensure, a license under this section shall be issued administratively unless the Town receives written objection from a noticed property owner within the ten day response period. In the case of a timely objection, the application for licensure shall be scheduled for the next available Town Council agenda

as an advertised public hearing. After hearing the testimony of affected property owners, the Town Council may approve, approve with conditions, or deny the application for licensure based upon consideration of the following criteria:

(1) That the use is compatible with the existing natural environment and other properties in the vicinity;

(2) That there will be adequate provision for safe traffic movement, both vehicular and pedestrian, in the area which will serve the use;

(3) That there are adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust and other potential nuisances; and,

(4) That the land area is sufficient, appropriate and adequate for the use as proposed. Conditions placed upon the license by Town Council may supplement the requirements of this section contained in provisions (A) through (O).

(R) Licenses are valid only to the person named on the license and shall not be transferable.

(S) Upon a second violation of any one or more provisions of this section within a 24 month period, as determined pursuant to the Town's code enforcement procedures, the Town shall notify the licensee, by certified mail, of its intent to revoke the license. The licensee or designee may initiate an appeal of the revocation by filing written notice of intent to appeal with the Town Clerk's Office no later than 15 days from receipt of the Town's notice of intent to revoke the license. The license will be administratively revoked should the licensee not file an appeal within the allotted time. The Town Clerk shall schedule the appeal for the next available Town Council meeting. In determining the existence of extenuating factors contributing to the code violation(s), Council may uphold the revocation or continue the license with any conditions Council may deem appropriate to protect the public health, safety and welfare.

(T) Nothing within this section shall be construed to prevent the Town Council from revoking the license at any time, provided that after conducting an advertised public hearing on the matter, a supermajority of council members make a determination that the licensed activity no longer satisfies the criteria for licensure.

(U) All exhibition of Class I and Class II wildlife shall occur on a parcel that has a land use designation of Commercial Low.

Section 80-050. - Aviculture.

Permits for aviculture, as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" may be issued in the Agricultural Residential (AR) zoning district subject to the following:

(A) *Minimum plot size requirements.*

(1) Two acres for 40 to 200 birds.

(2) Five acres for 201 or more birds.

(B) *Breeder.*

(1) The minimum plot size shall be two acres; and

(2) Shelters, cages and accessory structures shall be set back a minimum of 50 feet from all property lines; and

(3) Outdoor shelters and cages shall be contained to specific areas of the plot and completely screened from view from adjacent properties with a visual barrier. Such barriers may include natural vegetation, landscaping, fencing or other opaque structures; and

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(4) The breeder shall locate birds that excessively screech, chirp, crow or make loud noises away from residential properties to the maximum extent possible; and

(5) The care, licensing, registration and inspections shall be as required by applicable regulations; and

(6) Any avicultural endeavor shall comply with Article 50, "Public Nuisances," of this Code.

Section 80-055. - Commercial chipping and mulching.

Permits for commercial chipping and mulching operations as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" shall be subject to the granting of a Special Exception and subject to the following limitations:

(A) *Minimum plot size requirements.* No chipping and mulching shall be permitted on properties of less than ten acres.

(B) *Minimum dimensional requirements.* No chipping and mulching shall be permitted on properties with a width or length of less than 500 linear feet.

(C) *Setbacks.* All chipping and mulching equipment shall be setback at least 300 feet from any residential property line and 200 feet from all other property lines.

(D) *Noise Abatement.* Chipping and mulching equipment shall be designed and located using noise abatement measures (e.g., locating equipment as far away from residences as possible, maintaining a thick, vegetated buffer along property lines) to help ensure that noise levels do not exceed the limits set forth in Section 50-010, " Excessive Noise."

(E) *Hours of operation.* The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday and Saturday from 9:00 a.m. to 1:00 p.m.

(F) *Outdoor storage.* The pile height of unprocessed and processed material shall be limited to 15 feet. Storage areas (including compost) shall be setback at least 100 feet from any property line and screened from view.

(G) *Access.* Access to the chipping and mulching operations shall be only from a public right-of-way. In no case, shall a chipping and mulching operation utilize a private road serving residential uses for access.

(H) *Dust control.* The chipping and mulching operation shall utilize dust control measures which may include full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.

(I) *Fire prevention.* Chipping and mulching facilities shall be located within ten miles of a full service fire station or have and maintain on-site fire fighting equipment acceptable to the Palm Beach County Fire Marshall.

(J) *Exceptions.* These regulations shall not apply to the occasional chipping and mulching of wood materials generated on site and associated with property maintenance or any bona fide agricultural use conforming to generally accepted agricultural and best management practices.

Article 85 - LANDSCAPING

Section 85-005. - Application of these regulations.
Section 85-010. - Purpose and intent.
Section 85-015. - Definitions.
Section 85-020. - Plant material.
Section 85-025. - Landscape design.
Section 85-030. - Installation of landscaping and irrigation.
Section 85-035. - Maintenance of landscaped areas.
Section 85-040. - Landscape plans.
Section 85-045. - Landscape requirements for individual single-family residences.
Section 85-050. - Landscape requirements for interior open space.
Section 85-055. - Landscape requirements for nonresidential/nonagricultural perimeters and screening and buffering of vehicular use areas.
Section 85-060. - Landscaping requirements for bona fide agricultural uses.
Section 85-065. - Sight distance for landscaping adjacent to street intersections and points of access.
Section 85-070. - Landscaping within public and private right-of-way.
Section 85-075. - Nonconforming landscaping.

Section 85-005. - Application of these regulations.

The regulations of this article shall be applied in conjunction with Ordinance 2010-008, generally referred to as the "ERM Ordinance."

Section 85-010. - Purpose and intent.

The purpose and intent of this article is as follows:

(A) *Appearance.* To improve the aesthetic appearance of development through landscaping that adds color, texture, shape, visual context, or otherwise enhances the natural and built environment.

(B) *Environment.* To improve the natural environment by reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of trees and other vegetation; promoting energy conservation through the creation of shade, reducing heat gain in or on buildings or paved areas; reducing the temperature of the microclimate through the process of evapotranspiration; and encouraging wildlife habitat.

(C) *Water conservation.* To promote water conservation by maintaining permeable land area essential to surface water management and aquifer recharge, encouraging the limited use of fresh water resources through the use of native and drought tolerant plants, and encouraging the use of water conserving irrigation practices and landscape installation standards.

(D) *Preservation and character.* To encourage the preservation and planting of native trees and vegetation as part of landscape design to preserve native habitat and appearance,

and to reinforce the character of the Town of Loxahatchee Groves.

(E) *Compatibility.* To improve the compatibility of otherwise incompatible land uses in relative proximity through the use of landscape buffers.

(F) *Land values.* To maintain and increase the value of land by requiring minimum landscaping which, when properly installed and maintained, becomes a capital asset.

(G) *Human values.* To provide physical and psychological benefits to persons and to reduce noise and glare by softening the harsher visual aspects of urban development.

(H) *Removal of prohibited plant species.* To require the initial eradication of and control the ongoing removal of prohibited plant species which have become nuisances because of their tendency to disrupt or destroy native ecosystems.

Section 85-015. - Definitions.

In addition to the definitions set forth under Article 10, "Definitions, Abbreviations, and Construction of Terms," the following definitions shall apply to this article:

(A) *Accessway.* A private vehicular roadway intersecting a public right-of-way.

(B) *Applicant.* The owner or the authorized agent of the subject property.

(C) *Berm.* A linear earthen mound.

(D) *Canopy.* The upper portion of a tree consisting of limbs, branches and leaves.

(E) *Clear trunk.* The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.

(F) *Clear wood.* The portion of the palm trunk which is mature hardwood measured from the top of the root ball to the base of green terminal growth or fronds.

(G) *Diameter Breast Height (DBH).* The diameter of the tree trunk(s) measured at four and one-half feet above grade.

(H) *Disturbed land/ground.* Any land where the original natural vegetation has been removed, displaced, overtaken or raked.

(I) *Functional landscaping.* The combination of living and nonliving materials that, when installed or planted, creates an ongoing system providing aesthetic and environmental enhancement to a particular site and surrounding area.

(J) *Groundcover.* A low-growing plant that, by the nature of its growth characteristics, completely covers the ground and does not usually exceed two feet in height.

(K) *Hedge.* A row of evenly spaced shrubs planted to form a continuous, unbroken visual screen.

(L) *Interior open space.* The portion of the site not including areas defined as vehicular use areas, areas preserved as ecological communities, areas required to be landscaped adjacent to public rights-of-way and abutting property, areas occupied by existing structures to remain, and areas to be occupied by proposed structures.

(M) *Irrigation.* The method of supplying plant materials with water other than by natural rainfall.

(N) *Landscape/landscaping.*

(1) When used as a noun, this term shall mean living plant materials such as grasses, groundcover, shrubs, vines, trees or palms and nonliving durable materials commonly used in environmental design such as, but not limited to, rocks, pebbles, sand, walls or fences, aesthetic grading or mounding, but excluding paving and structures.

(2) When used as a verb, this term shall mean the process of installing or planting

materials commonly used in landscaping or environmental design.

(O) *Mulch.* Organic material such as wood chips, pine straw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and enrich the soil.

(P) *Native plant species.* Plant species scientifically documented to be indigenous to the ecological communities of South Florida.

(Q) *Planting soil.* A medium composed of up to 50 percent muck or horticulturally acceptable organic material, including solid waste compost.

(R) *Shrub.* A woody plant usually with several stems produced from the base.

(S) *Site-specific plant materials.* The use of plant species selected to minimize supplemental irrigation, fertilization and pest control.

(T) *Tree.* A self-supporting, woody perennial plant, usually with one vertical stem or main trunk, which naturally develops a distinct, elevated crown and provides, at maturity, natural characteristics of the species.

(U) *Turf.* The upper layer of soil matted with roots of grass and covered by viable grass blades.

(V) *Vegetation.* Angiosperms, gymnosperms, ferns and mosses.

(W) *Vehicular encroachment.* Any protrusion of a motor vehicle outside of the boundaries of a vehicular use area into a landscape area.

(X) *Vehicular use area.* Areas used for the display or parking of any type of vehicle, boat or construction equipment, whether self-propelled or not, and all land upon which such vehicles traverse.

(Y) *Vine.* Any plant with a long, slender stem that trails or creeps on the ground or climbs by winding itself on a support.

(Z) *Xeriscape.* A landscaping method that maximizes the conservation of water by use of site-appropriate plants and an efficient watering system.

Section 85-020. - Plant material.

(A) *Trees.* Trees shall be of a species having an average mature crown of greater than 20 feet and having trunk(s) that can be maintained with over six feet of clear wood. Trees or palms having an average mature crown of less than 20 feet may be substituted by grouping two or more trees together to create the equivalent of a 20 foot crown spread. Such a grouping, however, shall count as one tree towards meeting tree requirements for any provision herein, and shall have a minimum of six feet of clear wood. In addition, the following is required.

(1) *Size.* Trees shall be a minimum overall height of 12 feet with a minimum trunk diameter of two and one-half inches at the time of planting. Minimum canopy spread shall be characteristic of the species at such height requirements.

(2) *Tree variety.* On projects requiring more than ten trees, a minimum of two species shall be used.

(3) *Public streets.* Trees used in the required landscaping adjacent to a public street are subject to approval by the Town so that the character of the public street can be maintained.

(4) *Prohibited tree species.* The following tree species shall not be planted as either required or optional landscaping and, in addition, these species shall be removed from all construction sites:

Common Name	Scientific Name

Melaleuca, punk tree or paper tree	Melaleuca quinquenervia
Brazilian pepper	Schinus teribinthifolius
Australian pine	Casuarina spp.
Earleaf acacia	Acacia auriculiformis
Carrotwood	Cupaniopsis anacardioides
Schefflera	Schefflera actinophylla

(5) *Existing vegetation.* Credit for existing trees preserved on a site shall be granted toward meeting the tree requirements of any landscaping provisions of this article. No credit, however, shall be granted for any type of fruit tree or any preserved trees that are in extremely poor condition or declining health.

(B) *Shrubs and hedges.* Shrubs shall be of a species having an average mature height of three feet or greater (unless otherwise specified) and shall be maintained at no less than two and one-half feet in height at all times.

(1) *Size.* Shrubs and hedges shall be a minimum of two and one-half feet in height at the time of planting.

(2) *Spacing.* All shrubs shall be planted two to three feet on center.

(3) *Required buffers and landscape strips.* Required buffer hedges and landscape strips shall be planted and maintained so as to form a continuous, unbroken and solid visual screen. The hedge material shall be capable of reaching and being maintained its required height within one year of planting.

(4) *Existing vegetation.* Credit for the preservation of native understory shall be granted toward meeting up to 50 percent of the shrub requirement at a rate of 25 feet of preserved understory per one shrub. This credit shall apply to landscaping requirements for individual single-family residences only.

(C) *Vines.* Vines planted in conjunction with fences, visual screens, and walls to meet landscape buffer requirements shall be supported in height for a minimum of two and one-half feet and planted at no less than ten foot intervals.

(D) *Groundcover.* Groundcovers shall be planted with a minimum of 50 percent coverage with 100 percent coverage occurring within six months of installation.

(E) *Turf.* All turf areas shall be sodded using species suitable as permanent lawns in Palm Beach County, including St. Augustine, Bahia, and their cultivars. Sod shall be clean and visibly free of weeds, noxious pests and diseases. Large turf areas not subject to erosion, such as playfields, and areas to be used for livestock and equestrian areas, may be grassed with methods other than sod using permanent species suitable for Palm Beach County.

(F) *Topsoil.* Topsoil shall be clear and reasonably free of construction debris, weeds and rocks. The topsoil for all planting areas shall be composed of a horticulturally acceptable organic material.

Section 85-025. - Landscape design.

(A) *Quality.* Plant materials used in accordance with this article shall conform to the standards for Florida Grade One, or better, as provided for in the most current edition of Grades and Standards for Nursery Plants, 2nd edition, Feb. 1998, State of Florida Department of Agriculture and Consumer Services, as amended.

(B) *Native vegetation.* Fifty percent of all vegetation required by this article to be planted, excluding all turfgrass, shall be indigenous to South Florida.

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(C) *Preserved/created ecological communities.* Plots of two acres or more shall preserve, or create if there is no longer an existing ecological community, a minimum of three percent of the plot to be planted and maintained as an ecological community, pursuant to the conservation goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, as may be amended from time to time. Plots that consist of two to five acres may incorporate an ecological community into the landscape buffer or interior landscaping requirements. For plots of five acres or greater, this shall constitute an additional requirement.

(D) *Xeriscape.* All landscape designs in the Town must incorporate the principles of xeriscaping. These include the following, which must be noted on the landscape plans if applicable:

(1) Soil improvements. Improve the soil with organic materials prior to the installation of any irrigation system.

(2) Efficient irrigation. Plan irrigation system according to water needs and group planting according to water requirements. Irrigation design shall also include efficiency technologies (i.e. rain shut-off valve, moisture sensor, electric or hydraulic solenoid valves).

(3) Drought tolerant plants.

(4) Mulches. Place mulch directly on the soil or on a breathable or biodegradable material. Use around trees, shrubs, and in the planting beds.

(5) Appropriate maintenance. Use proper mowing, pruning, and weeding techniques and limit the use of fertilizer and pest control to further water savings.

Section 85-030. - Installation of landscaping and irrigation.

All landscaping and irrigation shall be installed according to accepted planting procedures and as described below.

(A) Excluding palm trees, all trees and shrubs shall be planted with a minimum of six inches of topsoil around and beneath the root ball. The appropriateness of applying mulch shall be determined by a certified landscape inspector or arborist. If mulching is determined to be appropriate, the use of mulch obtained from Melaleuca, Eucalyptus, or other invasive plant species is encouraged in order to reduce their impact on the environment and to preserve the remaining native plant communities.

(B) The need for guying and staking shall be determined by a certified landscape inspector or arborist. If guying and staking is employed, the use of nails, wire or rope, or any other method which damages the trees or palm, is prohibited. All plants shall be installed so that the top of the root ball remains even with the soil grade.

(C) All landscape irrigation systems shall be designed to minimize application of water to impervious areas, be installed with an automatic controlling device such as a timer, and be installed with a rain sensor device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred, pursuant to F.S. § 373.62, as amended from time to time.

(D) Inspections of site for landscape installation. Prior to the installation of landscaping and irrigation, a pre-inspection shall be required to determine site conditions and appropriate use and selection of landscape material. A final landscape inspection shall be required upon completion.

Section 85-035. - Maintenance of landscaped areas.

(A) An owner of land subject to this article shall be responsible for the maintenance of said land

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and landscaping so as to present a healthy, vigorous appearance. All landscaped areas shall be sufficiently fertilized and irrigated to maintain the plant material in a healthy condition.

(B) Three inches of clean, weed-free, organic mulch shall be maintained at all times over all areas originally mulched. Turfgrass shall be mowed regularly.

(C) Irrigation systems shall be maintained to eliminate water loss due to damaged, missing or improperly operating sprinkler heads, emitters, pipes and all other portions of the irrigation system.

(D) Preserved/created ecological communities shall be maintained in a natural state without the use of mechanical equipment.

(E) Property owners are responsible for ensuring that landscaping required pursuant to this article, or installed in compliance with the landscape requirements previously in effect, is maintained in Florida Grade One condition. If landscaping is found to be in a state of decline, dead or missing, it must be replaced with equivalent landscape material. If total replacement is required, species conforming to this article shall be used. If any preserved vegetation dies, which vegetation is needed to satisfy current landscape code requirements, such vegetation shall be replaced with the same landscape material selected from nursery-grown native stock only.

(F) No individual shall deny the right, or impede the ability of a utility company to enter private property for the purpose of entering a utility easement to remove or prune a plant or tree that is interfering with or impeding the utility company's ability to deliver safe and reliable utility services, nor shall an individual refuse to permit a utility company to remove or prune, when on private property, a plant or tree that is interfering with or impeding the utility company's ability to deliver safe and reliable utility services.

(G) Property owners are required to install and maintain landscaping in such a manner that it does not interfere with, disrupt, impede, prevent, or alter the flow of a utility.

Section 85-040. - Landscape plans.

(A) Professional landscape plans shall not be required for individual single-family residential plots. Single-family residential plots, however, shall comply with all requirements of Section 85-040, "Landscape requirements for individual single-family residences."

(B) Landscape plans shall be submitted with all site plan and site plan modification applications, and any building permit application that requires additional landscaping, or which may affect or conflict with on-site landscaping, including but not limited to, permits for parking lot lighting, addition or relocation of impervious area, and drainage improvements. The Town Manager may waive this requirement upon determination that a landscape plan is not necessary based upon the nature of the application and the site characteristics of the property involved.

(C) Landscape plans shall be prepared by a landscape architect, or other person authorized pursuant to F.S. ch. 481, Part II, as amended.

(D) Landscape plans shall be no larger than 24 by 36 inches and include the following information.

(1) A minimum scale of one inch equals 50 feet.

(2) Tree survey indicating the type (common and scientific name), quality, and location of existing vegetation.

(3) Trees to be removed or relocated with proposed relocations shown on plan.

(4) Location of existing and proposed structures, site improvements and uses, water bodies, dimensioned and referenced to property lines.

(5) Existing and proposed site elevations, grades and major contours, including water retention areas.

(6) Location of existing or proposed utilities and easements, including drainage easements, drainage features, drainfields and septic tanks, underground utilities and overhead power lines.

(7) Location of all landscape material to be used, including height, caliper and canopy spread of species at time of planting.

(8) Proposed landscape material schedule listing all vegetation according to its scientific and common name, their quantity and size, and degree of drought tolerance (as determined by the South Florida Water Management District Xeriscape Plant Guide II, as amended) and indication of whether native to South Florida.

(9) Spacing of plant material where a given spacing is required by Code, including but not limited to, center to center distance between individual shrubs, and center to center distance between trees within landscape buffers.

(10) Description of landscape installation practices to be utilized.

(E) If an irrigation system is to be installed, an irrigation plan shall be submitted along with a landscape plan which meets the following requirements.

(1) Landscape Plan Requirements (1) through (6), above.

(2) Main or well location, size and specifications.

(3) Valve location, size and specifications.

(4) Pump location, size and specifications or water source.

(5) Backflow prevention device type and specifications.

(6) Controller locations and specifications.

(7) Zone layout plan (minimum scale 1" = 20') indicating head type, specifications and spacing; methods used to achieve compliance with xeriscape principles as required by F.S. § 125.568, as amended.

Section 85-045. - Landscape requirements for individual single-family residences.

All new single-family dwellings for which a building permit is issued after the effective date of these regulations shall conform to the following minimum landscaping requirements:

(A) *Tree requirements.* A minimum of three trees (meeting Section 85-020, "Plant material" requirements) of two different species shall be planted per lot, plus one tree per every 3,000 square feet of lot area that is not part of a bona fide agricultural use. However, there shall be no more than 12 trees required per acre of lot area.

(B) *Shrub requirements.* A minimum of ten shrubs (meeting Section 85-020, "Plant material" requirements) shall be planted per lot, plus three shrubs per every 3,000 square feet of lot area that is not part of a bona fide agricultural use. However, there shall be no more than 36 shrubs required per acre of lot area.

(C) *Turf requirements.* Turf shall be used in the front yard but is not required to extend past the first one acre of property, as applicable and as measured from each abutting street line. The remainder of the property must be maintained, either in its natural state, in pasture land or as a bona fide agricultural use. This area, however, may not contain any invasive species as identified in this article, which must be removed from the site.

(D) *Landscape design.* A minimum of two trees and three shrubs shall be required in the front of the plot unless it is not possible as determined by the Town Manager. Shrubs shall also be incorporated in a manner on the site so as to be a visual screen for mechanical equipment or other accessories to the residence.

(E) *Required landscape schedule and location map.* Individual single-family residences, not

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including common area landscaping, shall submit a landscape schedule and accompanying location map in the form of a landscape permit application, which includes acceptable plant material choices to be chosen by the applicant, stating quantity, size, and quality of plant material, including planting specifications, as required by this article. Requested credit for any existing vegetation shall be calculated by the applicant (as provided for in Section 85-020, "Plant material") and a location map of preserved vegetation shall be sketched on a copy of a survey or site plan. Professional landscape drawings are not required for individual single-family residences.

Section 85-050. - Landscape requirements for interior open space.

All interior open space on any site, except individual single-family plots, shall conform to the following requirements:

(A) *General landscape treatment.*

(1) Groundcover, shrubs and other landscape materials shall be installed to cover all interior open space areas not covered by paving or structures. No substance that prevents water percolation shall be used in areas not approved for paving or structures.

(2) Primary structures shall be treated with landscaping to enhance the appearance of the structure and to screen any unattractive or unsightly appearance, with a minimum of 20 percent of the front of the structure being planted with shrubs at a minimum of two and one-half feet in height.

(B) *Shrub and tree requirements.* Shrubs and trees shall be planted in interior open spaces to meet the following requirements:

Percent of Site in Interior Open Space	Tree and Shrub Requirements
Less than 30 percent	1 tree and 10 shrubs per 2,000 square feet
30 to 39 percent	1 tree and 8 shrubs per 2,500 square feet
40 to 49 percent	1 tree and 6 shrubs per 3,000 square feet
50 percent or more	1 tree and 6 shrubs per 3,500 square feet

(C) *Vehicular use areas.* For sites that contain a vehicular use area, an area or a combination of areas, equal to ten percent of the total vehicular use area and exclusive

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of landscape strip or perimeter landscape buffers, shall be devoted to interior landscaping. This requirement should be met primarily through the creation of landscaped peninsulas and islands within the vehicular use area.

(D) *Screening of equipment.* Dumpsters, mechanical equipment and electrical transformers shall be screened on at least three sides by landscape material that is a minimum of two and one-half feet in height. Such screening shall not interfere with normal operation of equipment.

(E) *Signs.* All freestanding sign installations require the installation and establishment of plant material to enhance the structure, at a minimum of one shrub on each side of the sign for every two lineal feet of sign structure width; and ground cover, a minimum of five feet around the perimeter of the sign base, designed in such a manner so as to not block the message on the sign.

(F) *Existing vegetation.* Requested credit for any existing vegetation (as provided in Section 85-020, "Plant material") shall be calculated and submitted along with landscape plans.

Section 85-055. - Landscape requirements for nonresidential/nonagricultural perimeters and screening and buffering of vehicular use areas.

(A) *Applicability.* All vehicular use areas serving nonresidential and nonagricultural uses, and the perimeters of all nonresidential and nonagricultural uses and plots shall conform to the minimum landscaping requirements hereinafter provided.

(B) *Perimeters.* Any nonresidential/nonagricultural use that is contiguous to, or separated only by a canal right-of-way from, a residential zoning district or parks and recreation zoning district, shall provide a landscape buffer along the entirety of the common plot line which meets the following:

(1) The landscape buffer shall be no less than six feet in height for the purposes of screening and buffering the nonresidential/nonagricultural use from the residential use or parks and recreation use.

(2) The landscape buffer shall be a hedge, berm, fence, or wall (if property is accessed from a paved public right-of-way) or other opaque, durable landscape barrier, and shall be placed along the inside perimeter of the common property line. If such durable barrier is of nonliving material, the barrier shall be set back from the property line to allow for the planting and maintenance of shrubs or vines along the outside edge of such barrier. One shrub or vine shall be planted along the outside edge of all nonliving, durable barriers for each ten feet of said barrier.

(3) The Town Council may require a buffer eight feet in height if the additional height would more effectively screen the nonresidential/nonagricultural buildings and associated improvements from adjacent residential or parks and recreation uses. In making this determination, the Town Council shall consider the height and setbacks of buildings and resulting site lines of adjacent uses, potential noise impact from the proposed use, the type and effectiveness of the buffer proposed, and other such relevant factors the Council deems appropriate for determining the appropriate height of the buffer.

(4) Where a required perimeter buffer would abut an existing fence or wall on adjoining property, it shall be desirable to avoid the creation of parallel fences, walls and/or a non-accessible, ineffective strip of land running between parallel fences and walls. In this event, a proposed perimeter buffer shall not contain a nonliving barrier.

(5) It is strongly encouraged that perimeter buffers be designed with soft edges (rather than hard or strictly linear) requiring less maintenance and using gradual transitions in plant texture, height, and width to reinforce the rural character of the Town.

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(C) *Vehicular use areas.* On the site of a building or lot providing a vehicular use area where such area will not be entirely screened visually by an intervening building or structure from any abutting property line or street, a landscaped strip of land at least 15 feet in depth, measured inward from the abutting property or street line toward the vehicular use area, shall be provided. This landscape strip shall not be counted toward meeting the landscape requirement for interior open space.

(1) The landscape strip shall contain one tree for each 30 feet of interface between the vehicular use area and the property line or street frontage. This requirement, however, may be waived in whole or in part if:

a. An adjoining plot has already planted trees along the property line, and

b. Based upon a determination by the Town that the existing trees will impede the ability of successfully establishing new trees along the same plot line.

(2) A hedge, berm, fence, wall or other opaque, durable landscape barrier, as determined by the Town, shall be placed along the inside perimeter of the required landscape strip. If such durable barrier is of nonliving material, for each ten feet thereof, one shrub or vine shall be planted along the outside edge of such barrier.

(3) The remainder of the required landscape area shall be landscaped with turfgrass, groundcover or other landscape treatment, excluding paving or other impervious material.

(4) Where a required landscape strip would abut an existing fence or wall on adjoining property, it shall be desirable to avoid the creation of parallel fences, walls and/or a non-accessible, ineffective strip of land running between parallel fences and walls. In this event, a proposed landscape strip shall not contain a nonliving barrier.

(D) *[Accessways.]* Necessary accessways from a street or adjoining property through all such landscaping buffers and barriers shall be permitted, and such accessways may be subtracted from the lineal dimension used to determine the number of trees required. Otherwise, the required landscape buffers and materials required therein shall be continuous and unperforated.

Section 85-060. - Landscaping requirements for bona fide agricultural uses.

Plots, or portions thereof, with a bona fide agricultural use are exempt from the requirements of this article, to the extent that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice, and provided that any portion of the plot containing a house, for which a building permit was issued after the effective date of these regulations, and not used primarily for farming purposes, shall comply with the requirements of this article.

Section 85-065. - Sight distance for landscaping adjacent to street intersections and points of access.

Placement of landscaping materials shall observe the sight distance requirements of Article 105, "Sight Distance."

Section 85-070. - Landscaping within public and private right-of-way.

The owner of every developed plot shall be responsible for sodding the area in between the plot line and the adjacent street(s) to the edge of pavement. Installation of trees and shrubs within any public right-of-way, private street and swale requires Town approval.

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Section 85-075. - Nonconforming landscaping.

(A) *Residential properties.* All nonconforming, residential plots shall comply with this article prior to the issuance of a Certificate of Occupancy for any new construction exceeding the lowest of either 51 percent of the square footage of the existing dwelling, or 3,000 square feet.

(B) *Non-residential properties.* All nonconforming, nonresidential properties shall comply with this article to the maximum extent possible prior to the issuance of a Certificate of Occupancy for any improvement requiring a site plan modification or new site plan. Maximum extent possible shall not be construed to require a variance or a creation or exacerbation of a nonconformity.

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Article 87 - NATIVE TREE PRESERVATION, SOIL STABILIZATION AND INVASIVE EXOTIC REMOVAL [1]

Section 87-005. - General.
Section 87-010. - Definitions.
Section 87-015. - Permitted, exempt and prohibited activities.
Section 87-020. - Application requirements and fees.
Section 87-025. - Standards and conditions.
Section 87-030. - Tree mitigation.
Section 87-035. - Appeals.
Section 87-040. - Violations.

Section 87-005. - General.

(A) *Goals.* The goals of this article are:

(1) To avoid the unnecessary destruction of native vegetation;

(2) To encourage eradication of invasive non-native vegetation;

(3) To minimize adverse impacts to native vegetation during parcel improvements;

(4) To mitigate the removal of native vegetation; and

(5) To protect exposed and disturbed soils from stormwater or wind forces.

(B) *Purpose.* This article shall:

(1) Establish a program to preserve and protect native vegetation;

(2) Prohibit unnecessary destruction of native vegetation;

(3) Establish the standards for the eradication of invasive non-native vegetation;

(4) Establish the standards to mitigate for the removal of native trees; and

(5) Encourage procedures to minimize siltation and sedimentation from disturbed and exposed soil surfaces.

(C) *Applicability.*

(1) This article shall apply within the corporate boundaries of the Town of Loxahatchee Groves, Florida, hereinafter referred to as the "Town".

(2) The Town shall have regulatory authority over the alteration, abuse or removal of non-native and native upland vegetation, and the stabilization of exposed soil surface areas.

(3) No person may conduct land clearing or tree trimming operations unless such operation is exempted by, or expressly approved by this article.

(4) The provisions of this article may be suspended or waived by the Town Manager during a period of officially declared emergency, such as a hurricane, windstorm, tropical storm, flood, wildfire or similar disaster.

(D) *Authority.* This article is adopted under the authority of F.S. ch. 166, as amended. The Town shall administer the requirements of this article.

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Section 87-010. - Definitions.

For the purpose of this article the definitions in this section shall apply unless the context clearly indicates or requires a different meaning. In construing the provisions of this article, if no definition is provided herein and when context will permit, publications recognized as authoritative in the scientific and engineering fields shall apply. Such publications shall include: "Dig Manual" by the State of Florida, "ANSI A300-Trees, Shrubs and Other Woody Plant Maintenance—Standard Practices" by the American National Standards Institute, "Grades and Standards for Nursery Plants—Parts I and II" by the Florida Department of Agriculture, and Chapter 62 of the Florida Administrative Code.

Agriculture, bona fide. Bona fide agriculture are those uses conducted on lands which are engaged in farming as defined in F.S. § 823.14(3).

Clear trunk. The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.

Champion tree. A champion tree is the largest tree of its species within the state as recognized by the Florida Department of Agriculture's Division of Forestry based on trunk circumference, vertical tree height, and average crown spread.

Crown spread. The average distance of the diameter of the extent of the upper portion of a tree, consisting of limbs, branches, and leaves.

Diameter breast height (DBH). The diameter, in inches, of the trunk of a tree measured at a height of four and one-half feet above the natural grade (breast height). The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.

Effectively destroy. To purposefully cause, suffer, allow, or permit any act which will cause a tree to die or go into a period of unnatural decline within a period of one year from the date of the act. Destruction by naturally occurring diseases, or acts of nature such as storm events or lighting strikes are not considered purposeful acts of destruction. Examples of such acts may include but are not limited to:

(1) Girdling of trees by improper guying, staking, support, string trimmers, or non-removal of planting materials from root balls and uncontrollable livestock.

(2) Introduction of any type of poison or reactive material for the purpose of causing the tree to die or become diseased.

(3) Placement of excess materials or soils within the tree drip line causing the death or disease of the tree.

(4) Peeling or stripping of bark to the extent that if a line is drawn at any height around the circumference of the tree, over one-third of the length of the line falls on portions of the tree where bark no longer remains.

(5) Removal of the majority or near entirety of canopy.

Invasive non-native vegetation. For the purposes of this article, only those species included but not limited to those identified in F.S. § 369.251 shall be recognized as invasive non-native vegetation within the Town.

Land clearing. The removal of trees, shrubs, and/or undergrowth by stripping or any other process, with the intention of preparing real property for development, as defined in F.S. § 380.04.

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Land clearing shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed, the removal of dead or nuisance trees; or normal mowing operations.

Mulch. Non-living organic material customarily used in landscape design to retard erosion, retain moisture and control weeds.

Tree. Any living, self-supporting woody perennial plant which at maturity attains a trunk diameter at least one and one-half inches or more when measured at a point four and one-half feet above ground level and which normally attains an overall height of at least 15 feet, usually with one main stem or trunk and many branches.

Tree, specimen. A tree recognized as very old, exceptionally beautiful, tall or large.

Wetland, jurisdictional. A jurisdictional wetland, is defined in subsection F.S. § 373.019(25), as may be amended .

Section 87-015. - Permitted, exempt and prohibited activities.

(A) *General permit.* A general permit is required for upland land clearing that does not qualify for an exemption under this article. Prior to applying for a permit from the Town, the applicant must obtain all required permits and authorizations from external agencies having jurisdiction for the proposed work. The Town will maintain a general list of permits that may be required

(1) Tree mitigation, as specified in Section 87-030, shall be required for all work conducted under a general permit.

(2) In conjunction with the construction of any structure, a general permit also requires the removal or eradication of invasive non-native vegetation for the area of the authorized site plan extending out from the structure a distance of 40 feet. The parcel owner shall thereafter maintain this area free of invasive non-native vegetation.

(B) *Vegetative permit.* A residential landowner may apply for a vegetative permit for clearing and control of invasive exotic plant species and the selective relocation of native plant material within the property. A tree survey is not required

(C) *Exempt activities.* The following activities do not require a permit under this article.

(1) Vegetation alteration associated with Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or Bona fide Agricultural Operations that is a part of the on-going activities of the existing operation including the maintenance and upkeep of agricultural and pasture lands. Initial clearing of a parcel not previously used for these purposes is not an exempt activity.

(2) The minimal removal of native trees or understory necessary to install a fence, provided that the path cleared for the fence does not exceed five feet in width. Clearing required for building accessory structures on residential property is exempted from requiring a permit. Traversing a jurisdictional wetland requires approval from the applicable agency.

(3) The removal of dead and hazard trees that constitutes a peril to life or property.

(4) Wetland mitigation or enhancement activities conducted pursuant to a permit from the South Florida Water Management District or the Florida Department of Environmental Protection under Chapter 62-312, F.A.C. as amended.

(5) Alteration of vegetation pursuant to an adopted management plan for government maintained parks, recreation areas, wildlife management areas, conservation areas and preserves, excluding new construction or parcel improvement.

(6) Pruning of all trees in accordance with the American National Standards Institute (ANSI) A300, to allow for healthy growth, to promote safety, and to remove dead or hazard trees.

(7) Routine maintenance mowing operations or "bush hog" type mowing operations in areas that are regularly maintained.

(8) Pruning and removal of vegetation within a utility easement, for maintenance and where the vegetation is interfering with services provided by a utility. Including public utility, water control, water management, and road right-of-way activities within utility and drainage easements.

(9) The necessary minimal removal of vegetation by, or at the direction of, a State of Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test.

(10) Management activities in areas designated by deed restriction, plat, restrictive covenant, or conservation easement dedicated to a public entity or approved private conservation group for preservation provided the activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences; and the preserve area has a preserve management plan approved by the Town, or another governmental entity.

(11) Selective tree removal for forest management activities as defined in the current Forest Management Plan as approved by the State of Florida Division of Forestry.

(12) Removal of vegetation certified by the Florida Department of Forestry or PBC Fire Rescue such that a 30-foot buffer should be cleared around designated structures through the Fire Wise program.

(13) Removal or trimming of non-native and invasive vegetation.

(14) Routine landscape maintenance activities such as edging, hedge trimming, and on-going gardening operations.

(D) *Prohibited activities.* The purposeful planting or installation and cultivation of vegetation identified as invasive non-native vegetation is prohibited.

Section 87-020. - Application requirements and fees.

(A) *Application requirements.* The following application requirements apply.

(1) Permit applications shall be made on forms provided by the Town.

(2) An application shall not be deemed complete until the application fee and all information necessary to understand the extent, nature and potential impacts of a proposed project are received by the Town. Application information may include, but is not limited to:

a. A completed application form with the signature of the parcel owner, or authorized agent of the parcel owner with agent authorization letter;

b. A description of the work to be performed;

c. Parcel information including legal description and a location map;

d. Identification of the type, size and location of native trees that are three inches DBH and greater to be removed with representative color photographs; and

e. A tree replacement or tree relocation table, if applicable.

(B) *Fees.* Permit application filing fees shall be required, as established by a Resolution of the Town Council. Fees shall be non-refundable and non-transferable. An additional administrative fee may be required where projects require specific detailed site plan assistance by the Town, or where site plans significantly change after initial review pursuant to the Town's cost recovery

policies. Application fees paid by check shall be payable to the Town of Loxahatchee Groves.

(C) *Inspections.* An application for a vegetation removal permit constitutes consent by the property owner and/or applicant for the Town to conduct site inspections in furtherance of this article on the subject property, pursuant to permit requirements.

Section 87-025. - Standards and conditions.

(A) *Standards of permit issuance.*

(1) A permit will be in effect for up one year after the issuance date. The Town may extend the authorization for one year upon written request submitted at least 30 days prior to expiration of the permit.

(2) Trees authorized for removal during the effective dates of a permit may not be removed after the expiration of the permit without issuance of a new permit based upon a new application.

(3) Any application received that is substantially the same as a previous application that has been denied by the Town subsequent to the effective date of this article shall be denied with a written response provided to the applicant stating the reason for denial.

(4) Any parcel where there is an unresolved violation of any chapter administered by the Town, shall not be eligible for a permit under this article until such violation has been resolved.

(5) Any application containing false information, or any permit issued based upon false information, may be denied or revoked and may subject the applicant to enforcement proceedings pursuant to the provisions of this Code.

(B) *Permit conditions.* The Town may include, but not be limited to the following permit conditions with the approval of a permit.

(1) Conditions reasonably necessary to protect the environmental integrity of any on-site or adjacent wetlands, mitigation areas and preserve areas, and to prevent potential harm to native plant and animal species.

(2) Conditions for vegetation debris removal.

(3) The use of barriers and flagging during construction to establish appropriate setbacks to protect and preserve existing native vegetation.

(4) Conditions reasonably necessary to stabilize exposed and disturbed land surfaces.

A performance guarantee in an amount equal 110 percent of the cost of the required tree mitigation for tree removal on vacant lands.

(C) *Land clearing standards.* The landowner shall take all reasonable measures during the land clearing process to avoid damage to trees and other native vegetation designated to remain after construction, and to protect exposed and disturbed soils from stormwater and wind forces.

(1) Best management practices shall be implemented to protect exposed and disturbed soils from stormwater or wind forces during construction.

(2) The design plan shall limit the removal of existing native vegetation only to that area needed to implement the project.

(3) The design plan shall strive to maximize removals from any areas dominated by invasive non-native vegetation.

(4) Native trees in the footprint of the proposed development that can reasonably be transplanted with an anticipated high degree of success should be incorporated into other areas on the parcel to the maximum extent practicable. If movement is not

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practical, trees should be replaced and by a greater number and on the same property. (See Section 87-0306(B), tree replacement, for trees that die within one year of relocation.)

(5) All exposed and disturbed surfaces shall be mulched, seeded, sodded, vegetated or otherwise stabilized by the time of Certificate of Occupancy or final inspection. Failure to stabilize disturbed surfaces, as well as the removal of vegetation resulting in on-site or off-site erosion (sedimentation or siltation or both) or the windblown loss of soil shall be deemed a violation of this article.

(D) *Vacant land standards*. The speculative removal of native vegetation in advance of parcel improvement on vacant lands is not consistent with the goals of this article. However, certain conditions can provide assurances that parcel improvement will proceed in good faith. A general permit will not be issued by the Town in advance of issuance of a land development permit or building permit unless the following is provided:

(1) Evidence that the anticipated work for which the land clearing permit is sought shall commence within one year of issuance of the general permit;

(2) A performance guarantee in an amount equal to 110 percent of the cost to restore native vegetation on the parcel in the event that improvement of the parcel is abandoned or the permits expired. Deposits should be refunded upon completion of the structure to allow purchaser to buy the trees. CO will be withheld until trees are purchased.

a. The performance guarantee shall be executed by a person with a bona fide legal interest in the parcel.

b. Two estimates of the cost to restore native vegetation on the parcel may be required for purposes of establishing the applicable amount of the performance guarantee.

c. The form of guarantee shall be:

1. A cash deposit or certificate of deposit assigned to the Town; or

2. An escrow agreement for the benefit of the Town, in a form satisfactory to the Town Attorney and approved by the Town Council; or

3. A performance bond issued by a State of Florida registered guarantee company in a form satisfactory to the Town Attorney and approved by the Town Council; or

4. An irrevocable letter of credit in a form satisfactory to the Town Attorney and approved by the Town Council.

(3) The performance guarantee shall be kept in full force until authorized site improvements commence on the parcel and any required tree mitigation is installed.

(4) The vacant land standards of this section only apply to general permit activities.

(5) Parcels of vacant land shall be allowed to remove overgrown herbaceous understory vegetation to preserve tree canopy in areas where natural fire has been suppressed and where a prescribed burn would not be feasible. No healthy trees that have six inches DBH or greater are to be removed or damaged.

(E) *Off-site tree relocation*. Re-locatable native vegetation that cannot be incorporated into the parcel may be relocated off-site. An applicant requesting off-site relocation shall provide reasonable evidence that on-site planting is not feasible.

(1) An applicant conducting tree relocation shall provide a tree relocation management plan which shall include, but not be limited to, the relocation schedule and likelihood of success for each relocated tree, installation location of each relocated tree, identification and size of each relocated tree, and the replacements required pursuant

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to Table A-2. Tree Replacement per this article to be implemented if the relocated material does not survive for a period of at least one year from the date of relocation.

(2) An applicant conducting tree relocation shall provide irrigation, mulch, and other practical means to assist the survival of any relocated tree.

(3) The Town shall retain jurisdiction to ensure compliance with any tree replacement required by this subsection.

(4) All off-site relocation requires approval by the Town Council.

(5) Off-site relocation shall optimally be placed in or adjacent to a public park parcel or a preserve or mitigation area.

(6) All off-site relocation shall be located within the Town or the Town needs to be compensated for tree loss. Exceptions are permitted at the discretion of the Town Council.

(F) *Debris disposal.* Every effort shall be made by the landowner to minimize the amount of land clearing debris deposited in a landfill. Mulching or other appropriate utilization should be pursued whenever feasible.

(1) The Town may include permit conditions for vegetation debris disposal by open burning, but the conditions shall not be in conflict with required burn permits from jurisdictional agencies.

(2) The burying of rubbish, logs, lumber, underbrush or other organic matter and materials from pruning, clearing or grubbing operations which would decompose or allow the land to thereafter settle is determined to be change or modification of the grade of the land and is not authorized under this article.

(3) All felled materials shall be promptly and carefully removed in such a manner as to avoid potential damage to remaining trees and vegetation, the harboring of insects or promotion of disease, the harboring of rodents or undesirable wildlife, or increases in fire hazards.

(G) *Pruning standards.* Trees intended for shade purposes shall be allowed to reach mature canopy. Acts, which effectively destroy a tree exclusive of invasive trees, are a violation of this article.

(H) *Champion tree standards.* Notwithstanding any other provisions of this article, champion or co-champion trees, as recognized by the Florida Department of Agriculture's Division of Forestry, shall not be removed except for extraordinary circumstances and hardships. Removal of any champion or co-champion or specimen tree shall require Town Council approval.

(I) *External agency standards.* The applicant is responsible for obtaining all required permits and authorizations from external agencies having jurisdiction for the proposed work; including, but not limited to:

(1) Prior to applying for a permit from the Town, the applicant must obtain all required permits and authorizations from external agencies having jurisdiction for the proposed work.

(2) The property owner is subject to and must ensure compliance to the water quality rules and standards as set forth in Chapter 62.302, of the Florida Administrative Code (F.A.C.). When applicable, the property owner shall obtain any required environmental resource permit from the South Florida Water Management District or the Florida Department of Environmental Protection.

Section 87-030. - Tree mitigation.

(A) *Mitigation.* Mitigation, through tree replacement as specified under this section, shall be required for the removal of native trees that are three inch DBH or greater. A tree replacement table identifying and quantifying all replacement trees to be installed shall be submitted with the permit application. The tree replacement plan shall also identify the size of each replacement tree and location for installation. The tree replacement plans shall maximize tree and vegetative buffering between properties. Tree replacement can be done by the landowner.

(B) *Tree replacement.* Removed native trees shall be mitigated through replacement in accordance with Table A-2: Tree Replacement, shown below. For relocated trees which die within one year of relocation, the replacement value shall be that as shown in Table A-2. Those trees less than six inches DBH shall be replaced with the same size tree as the relocated tree.

Table A-2: Tree Replacement	
Tree Height and DBH	**# of Replacement Trees Required**
30 ft. up or 9" DBH	6
Less than 30 ft. or 9" DBH	4
Less than 5 ft. or 3" DBH	0

(1) Replacement trees greater than 30 feet tall in Table A-2 shall be at least ten feet in height and two and one-half inches DBH. Replacement trees less than 30 [feet] tall shall be at least ten inches in height and one and one-half inches DBH. Palm replacement trees shall have an overall height of no less than ten feet and approved for Zone 10a.

(2) Tree mitigation may be addressed by the use of Florida Friendly Landscaping and/or the introduction of wetlands and upland pines areas and may include mid size and smaller trees.

(3) All replacement trees shall consist of native vegetation indigenous to the area, and have an appropriately sized root ball and be free of disease, defects or damage that will prohibit the tree from attaining its natural growth habit. Pine trees that are selected as replacement trees shall be South Florida Slash Pine trees only. Five-gallon container native trees may be used for mitigation.

(4) If the required replacement trees cannot be purchased within 60 miles of the parcel, an alternate replacement may be approved by the Town.

(5) At least 25 percent of the trees planted as mitigation shall be the same species as the trees removed.

(6) All replacement plants specified in the general permit are required to be accepted prior to the release of the Certificate of Occupancy, unless otherwise approved by the Town.

(7) Monitoring time frames for all replacement plants specified in the general permit shall be established as permit conditions.

(8) Mitigation vegetation, other than trees, may be approved by the Town providing the vegetation is native and indigenous to the area.

(9) For parcels that have a conservation easement requirement from the SFWMD, where the dedication of upland buffers around a wetland is included as wetland mitigation, any trees installed within the dedication upland buffer may apply to the tree replacements required in Table A-2.

(10) All replacement trees must survive at least within one year of planting and must be replaced as often as necessary for the replacement to live beyond one year.

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(11) Specimen or champion trees are not subject to cutting, relocation or mitigation without approval of the Town Council.

(C) *Mitigation waivers.* Mitigation requirements may be waived for residential single family properties for the clearing area of the house pad and attached structures, the septic system, driveway and a 50 foot buffer area around the house. This shall be determined by the Town on a case-by-case basis, after determination that the parcel owner is providing a building location that minimizes impacts to native vegetation to maximum extent practicable.

(D) *Mitigation deferrals.* The Town shall provide for a parcel to be cleared for bona fide agriculture use consistent with state requirements without concurrent mitigation. The cost to comply with the requirement to quantify the complete tree mitigation specification or a tree survey may be a deterrent to bona fide agriculture in some cases. The Town may shall require that the parcel owner record a restrictive covenant on a Town approved form limiting the parcel to bona fide agriculture use, and requiring the parcel owner to make a cash donation to the Loxahatchee Groves Tree Mitigation Trust Fund, or to mitigate in accordance with Table A-2 at the time of a zoning or land use change. The restrictive covenant shall include language quantifying the complete tree mitigation specifications required at the time of conversion. Any restrictions presently in place by county or state must be included.

(E) *Alternative mitigation.* Alternative mitigation proposals that meet the purpose and intent of this article may also be submitted and will be reviewed on a case-by-case basis. Alternative mitigation proposals require approval by the Town Council prior to issuance of a general permit. Any alternative mitigation which is proposed must remain within the Town.

(F) *Mitigation for violations.* When native trees that are three inches DBH or greater are removed or are damaged without a permit, or when trees that were to be preserved in place are damaged or destroyed by activities conducted with a permit, those native trees shall be replaced at double the rate shown in the Table A-2 and may be subject to additional fines at the discretion of the Town Council.

Section 87-035. - Appeals.

(A) *Appeal.* An applicant for any permit may appeal a final determination made by the Town's permitting authority to the Town Council.

(B) *Submittal.* A written request for an appeal and the filing fee must be submitted within 45 calendar days of the applicant's receipt of the decision by the Town's permitting authority. The appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the applicant seeks to rely. Failure to file within such time frame shall constitute a waiver of a person's right of review by the Town Council.

(C) *Hearing.* The appeal shall be reviewed at a hearing by the Town Council no later than 60 calendar days following the Town's receipt of a request and the required filing fee. The hearing shall be quasi-judicial and shall be conducted pursuant to the procedures set forth within the Town's Unified Land Development Code.

(D) *Judicial relief.* An applicant may appeal a final written order of the Town Council to the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, as provided by law.

Section 87-040. - Violations.

(A) *Violations.* A violation shall be the failure to comply with the requirements of this article or with a condition of a permit issued by the Town pursuant to this article. Each condition or requirement violated and each occurrence of a violation shall constitute as a separate

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violation.

(B) *Enforcement.* The Town shall enforce the provisions of this article by any lawful means including, but not limited to, issuing a civil citation, bringing charges before the Town Special Magistrate, and seeking injunctive and equitable relief. To enforce compliance with this article, the Town may issue a cease and desist order or require that a building permit or Certificate of Occupancy be withheld. A violation of this article shall be punishable by one or more of the following:

(1) Up to quadruple permit fees for violations involving activities conducted without a valid permit that may otherwise have been permitted;

(2) Up to quadruple permit modification fees for activities conducted with a valid permit that are inconsistent with the stated permit conditions and result in a need to modify the existing permit;

(3) Any applicable remedies under F.S. chs. 166 and 162, as may be amended from time to time, including without limitation daily fines of up to $250.00 per day for an initial violation and $500.00 per day for repeat violators;

(4) A fine of up to $5,000.00 per tree when a tree is effectively destroyed, and up to $10,000.00 per tree for champion trees that are effectively destroyed;

(5) Remedial actions to restore the property to pre-violation conditions;

(6) The Town may take any other appropriate legal action including, but not limited to, administration actionand the issuance of temporary and permanent injunctions to enforce the provisions of this article;

(7) Costs of enforcement; and

(8) On-site mitigation pursuant to this article.

(C) *Violation fees.* Violation fees may be required as established by Resolution of the Town Council. All monies collected as civil penalties for violations of this article shall be paid to the Town of Loxahatchee Groves for the Loxahatchee Groves Tree Mitigation Trust Fund.

FOOTNOTE(S):

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Article 130 - CONCURRENCY REVIEWS

Section 130-005. - Applicability.
Section 130-010. - Timing of adequacy determination.
Section 130-015. - Expiration of findings of adequacy.
Section 130-020. - Determination of available capacity.
Section 130-025. - Presumption of maximum impact.
Section 130-030. - Adequacy of roadways.
Section 130-035. - Adequacy of drainage facilities.
Section 130-040. - Adequacy of potable water facilities.
Section 130-045. - Adequacy of sanitary sewer facilities.
Section 130-050. - Adequacy of solid waste facilities.
Section 130-055. - Adequacy of parks and recreation facilities.
Section 130-060. - Adequacy of school facilities.

Section 130-005. - Applicability.

(A) All applications for a development permit for development of vacant land, an increase in residential density on improved land, an increase in nonresidential building area on improved land, or any change in use, shall be subject to an adequacy determination for the amount of additional demand created by the proposed development or increase in intensity of use, unless there was a previously approved site plan, plat or building permit for which the proposed level of development was previously evaluated, and a valid (non-expired) finding of adequacy made, or the application qualifies for one of the following exceptions:

(1) Development orders or rights determined to be vested pursuant to a judicial determination or pursuant to Article 125, "Vested Rights Determinations."

(2) A valid and approved development order which was final as of November 14, 1989, under the provisions of F.S. ch. 380.

(3) The proposed development is a government facility the Town Council finds is essential to the health or safety of persons residing in or using previously approved or existing development.

(B) For purposes of adequacy determinations involving previously improved land, for the purpose of vesting the impact of "existing development," the term shall be construed to include vacant structures, and previous development demolished no earlier than 18 months previous to the date of application submittal for a plat, site plan, or building permit, as applicable.

Section 130-010. - Timing of adequacy determination.

Adequacy determination for roadways, parks, drainage, solid waste, potable water and wastewater shall be made at the earliest of plat approval or plat note amendment, site plan approval or building permit. However, solid waste, water and wastewater capacity shall not be reserved until time of building permit application, and finding of adequacy at time of plat, plat note amendment or site plan shall not be construed as a reservation of capacity.

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Section 130-015. - Expiration of findings of adequacy.

Findings of adequacy made by the Town of Loxahatchee Groves shall expire three years after the date a development order or development permit (in the case of a plat or site plan approval) making such a finding is issued. The Town shall have no responsibility to notify an applicant of pending adequacy determination expiration.

Section 130-020. - Determination of available capacity.

(A) The Town Manager shall not issue a finding of adequacy for any development unless determining that there is available capacity to serve the proposed development while maintaining the adopted level of service for all existing and approved development. Except as further qualified in subsection (B) below, the available capacity of a facility shall be determined by adding together the capacity of existing facilities and the capacity of new facilities, and subtracting from that total, the design demand of existing development and the design demand of approved but unbuilt development (see table below).

Available capacity	Existing facility capacity + new facility capacity - design demand of existing development - design demand of approved but unbuilt development

(B) The capacity of new facilities shall be included in the determination of available capacity only if one or more of the following conditions exist:

(1) The necessary facilities are in place at the time a development order is issued, or a plat or site plan are approved subject to the condition that the necessary facilities will be in place when the impacts of development occur.

(2) Construction of the new facilities is under way at the time of the application.

(3) The new facilities are the subject of a binding, executed contract for the construction of the facilities to be constructed within a period of time as stipulated in the contract, or the provision of services at the time the development permit is issued.

(4) The new facilities have been included in the Town's, Palm Beach County's or applicable agency's annual capital improvement budget.

(5) The new facilities are guaranteed at a specific time in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, as may be amended from time to time, or an agreement or development order issued pursuant to F.S. ch. 380. Such facilities must be consistent with the capital improvements element of the Town's Comprehensive Plan and approved by the Town and/or County Engineer, as applicable.

(6) The developer has contributed funds to the Town and/or county, as necessary to provide new facilities consistent with the capital improvements element of the Town and/or county comprehensive plan. Commitment that the facilities will be built must be evidenced by an appropriate budget amendment and appropriation by the Town and/or county or other government entity.

(C) Consistent with the Loxahatchee Groves Comprehensive Plan, Parks and recreation facilities to serve new development shall be in place or under actual construction no later than one year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the Town prior to issuance of a certificate of occupancy or its functional equivalent, or funds in the

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amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.

(D) Consistent with the Loxahatchee Groves Comprehensive Plan, transportation facilities needed to serve new development shall be in place or under actual construction within three years after the Town approves a building permit that results in traffic generation.

Section 130-025. - Presumption of maximum impact.

(A) For the purpose of implementing this article, a proposed development shall be presumed to have the maximum impact permitted under applicable land development regulations in the absence of a complete site plan application, deed restriction, or plat restriction.

(B) If an application for a building permit provides for more intensive use than that indicated when the finding of adequacy was made, the application shall be reevaluated for concurrency.

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.

(B) *Measurement of capacities.* The standard procedure for the initial measuring of highway capacities is the Florida Department of Transportation's Generalized Traffic Volume Tables for Florida's Urbanized Areas, as amended.

Section 130-035. - Adequacy of drainage facilities.

(A) Level of service. As consistent with the Loxahatchee Groves Comprehensive Plan, the minimum design criteria and the standard to assess adequacy of service for drainage systems in the Town are as follows:

(1) Minimum roadway and parking lot elevations shall be at least at the highest elevation that may occur at the peak of the 10-year, one-day storm event;

(2) Minimum site perimeter elevations shall be at least the 25-year, three-day stage. Site runoff up to such stage level may not overflow into any adjacent property, unless a permanent drainage easement is obtained;

(3) Dry or wet retention/detention, stage versus storage, stage versus discharge and flood routing calculations for the 10-year, one day; 25-year, three-day; and 100-year, three-day storm events for the site shall be submitted with the site development plans;

(4) Building floor elevations shall be at or above the 100-year flood elevation, as determined from the Federal Flood Insurance Rate Maps or calculations following the latest South Florida Water Management District (SFWMD) methodology, whichever is greater;

(5) Off-site discharge shall be limited to pre-development runoff based on the 25-year, three day storm event calculated by SFWMD methods;

(6) All roof runoff shall be detained on site.

(7) Storm sewers shall be designed to convey the five-year, one-day storm event.

(8) Prior to discharge to surface or groundwater, Best Management Practices (BMPS) of SFWMD shall be used to reduce pollutant loading from storm water runoff from non-agricultural uses.

(9) Prior to discharge to surface or groundwater, best management practices of the

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Department of Environmental Protection and United States Department of Agriculture shall be used to reduce pollutant loading from stormwater run-off from agricultural uses.

(B) All storm water management facilities in the Town shall be designed in accordance with the South Florida Water Management District criteria and with Loxahatchee Groves Water Control District criteria, when applicable.

Section 130-040. - Adequacy of potable water facilities.

(A) *Level of service.* As consistent with the Loxahatchee Groves Comprehensive Plan, the level of service standard for centralized potable water facilities is the Florida Department of Environmental Protection Permitted Capacity of the facility. The LOS standard for water treatment plants is measured by maximum daily flow. The level of service standard for potable water facilities provided by Palm Beach County Water Utilities Department is 126 gallons per capita per day. Palm Beach County shall make all adequacy determinations for County owned potable water utilities.

(B) *Mandatory tie-in to existing potable water facilities.* As consistent with the Loxahatchee Groves Comprehensive Plan, all applicants for development permits shall utilize existing potable water facilities if lines are available as defined by Chapter 62-550, 62-555, and 62-560, Florida Administrative Code (FAC). When adequate facilities, based on the adopted level of service standard, are not available and no fiscally feasible plan to construct or expand said facilities is proposed, the applicant shall enter into an agreement to construct improvements to the utility providers' potable water system.

Section 130-045. - Adequacy of sanitary sewer facilities.

(A) *Level of service.* As consistent with the Loxahatchee Groves Comprehensive Plan, the level of service standard for sanitary sewer facilities is the Florida Department of Environmental Protection Permitted Capacity of the facility. The LOS standard for wastewater treatment plants shall be measured by average daily flow. The LOS standard for sanitary sewer facilities provided by Palm Beach County Water Utilities Department is 100 gallons per capita per day. Palm Beach County shall make all adequacy determinations for County owned sanitary sewer utilities.

(B) *Mandatory tie-in to existing sanitary sewer facilities.* As consistent with the Loxahatchee Groves Comprehensive Plan, all applicants for development permits shall utilize existing sanitary sewer facilities if lines are available as defined by Chapter 10D-6, Standards for Onsite Sewage Treatment and Disposal Systems, Florida Administrative Code (FAC), pursuant to F.S. § 381.0065, onsite sewage disposal systems; installation; conditions. All customers with private septic tanks shall connect to public gravity sanitary sewer collection systems within 365 days of written notice that the service is available, as required by F.S. § 381.00655. When adequate facilities, based on the adopted level of service standard, are not available and no fiscally feasible plan to construct or expand said facilities is proposed, the applicant shall enter into an agreement to construct improvements to the utility providers' sanitary sewer system.

Section 130-050. - Adequacy of solid waste facilities.

As consistent with the Loxahatchee Groves Comprehensive Plan, all applicants for development permits shall demonstrate adequacy of solid waste disposal sites or facilities prior to occupancy. Adequacy of solid waste disposal sites or facilities can be demonstrated by providing verification of solid waste pickup by a Town contracted solid waste hauler.

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Section 130-055. - Adequacy of parks and recreation facilities.

(A) *Level of service.* The Town's adopted level of service standard for parks and recreation facilities is six acres per every 1,000 population. Approval of a development permit for a residential development shall require a finding that, at a minimum, six acres of park, recreation, and open space is available per 1,000 residents. The Town of Loxahatchee Groves shall make all adequacy determinations for parks and recreation facilities.

Section 130-060. - Adequacy of school facilities.

(A) *Level of service.* The Town's adopted level of service standard is the school's utilization which is defined as the enrollment as a percentage of school student capacity based upon the Florida Inventory of School Houses (FISH). The level of service (LOS) standard shall be established for all schools of each type within the School District as 110 percent utilization, measured as the average for all schools of each type within each Concurrency Service Area. No individual school shall be allowed to operate in excess of 110 percent utilization, unless the school is the subject of a School Capacity Study (SCS) undertaken by the School District, working with the Technical Advisory Group (TAG) which determines that the school can operate in excess of 110 percent utilization. The SCS shall be required if a school in the first student count of the second semester reaches 108 percent or higher capacity. As a result of an SCS, an individual school may operate at up to 120 percent utilization.

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