

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



TENTATIVE -
SUBJECT TO
REVISION

Town of Loxahatchee Groves
Planning & Zoning Board/LPA Meeting
Thursday, March 13, 2014 at 7:00 p.m.

Central Palm Beach County Chamber of Commerce – West Office
13901 Southern Boulevard, Loxahatchee Groves, FL 33470

Chair Dennis Lipp
Vice Chair Robin Crawford
Board Member Keith Harris
Board Member Lawrence Corning
Board member Grace Joyce
Alternate Member #1 Veronica Close
Alternate Member #2 Byrnes Guillaume

Town Manager Mark Kutney
Town Planning Technician Braeden Garrett
Town Planning Consultant Jim Fleishmann
Town Clerk Janet K. Whipple

The Planning & Zoning Board meets on the 2nd Thursday of each month subject to the filing of applications. It also acts as the Local Planning Agency (LPA). Items for each body are noted on the agenda.

PUBLIC NOTICE/AGENDA

1. OPENING

- a. Call to Order & Roll Call
- b. Approval of Agenda

2. **MINUTES**

- a. Planning and Zoning Board Minutes for Approval – **December 12, 2013**

3. **OLD BUSINESS** - Discussion of Home Occupations / Home Business / Residential Enterprise

4. **NEW BUSINESS** – *None*

5. **LOCAL PLANNING AGENCY**

- a. **OLD BUSINESS** -*None*

- b. **NEW BUSINESS**

6.

7. **COMMENTS FROM THE BOARD**

8. **ADJOURNMENT**

The next Planning and Zoning Board Meeting is tentatively scheduled for

April 10, 2014, at 7:00 p.m.

Comments Cards: Anyone from the public wishing to address the P&Z Board must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the P&Z Board 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
Councilman Tom Goltzené, Seat 5
Councilman Jim Rockett, Seat 2
Councilman Ryan Liang, Seat 3



Town of Loxahatchee Groves Planning & Zoning Board/LPA Meeting Thursday, December 12, 2013 at 7:00 p.m.

Central Palm Beach County Chamber of Commerce – West Office
13901 Southern Boulevard, Loxahatchee Groves, FL 33470

Chair Dennis Lipp
Vice Chair Robin Crawford
Board Member Lawrence Corning
Board Member Keith Harris
Board Member Grace Joyce
Alternate Member #1 Veronica Close
Alternate Member #2 Byrnes Guillaume

Town Manager Mark Kutney
Town Clerk Janet K. Whipple
Town Planner Jim Fleischmann

The Planning & Zoning Board meets on the 2nd Thursday of each month subject to the filing of applications. It also acts as the Local Planning Agency (LPA). Items for each body are noted on the agenda.

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Chairman Lipp called the meeting to order at 7:02 p.m. Upon roll call vote, the following members of the Planning and Zoning Board were present: Chairman Lipp, Board Member Joyce and Board Member Harris. Vice-Chair Crawford, Board Member Corning, Alternate Member Close, and Alternate Member Guillaume were not in attendance. Also present were Town Planning Consultant

Jim Fleischmann, Town Planning Technician Braeden Garrett, Town Manager Mark Kutney, and Town Clerk Janet K. Whipple.

- b. Approval of Agenda

Motion: Board member Joyce made a motion to approve the Agenda. The motion was seconded by Board Member Harris. The motion passed 3/0.

2. MINUTES

- a. Planning and Zoning Board Minutes for Approval – **October 10, 2013**

Board Member Harris had a correction to the minutes. He was referred to as Vice-Chair Harris in a number of places within the minutes.

Motion: Board Member Joyce made a motion to approve the minutes as amended. The minutes were seconded by Board Member Harris. The motion passed 3/0.

3. OLD BUSINESS - *None*

4. NEW BUSINESS – *None*

5. LOCAL PLANNING AGENCY

OLD BUSINESS - *None*

NEW BUSINESS

- ORDINANCE NO. 2013-11 (Historical Legacy)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO HISTORICAL LEGACY USES AND APPROVALS; AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO AMEND SECTION 75-035, ENTITLED “USES AS OF OCTOBER 1, 2006” TO ADD THE TERM HISTORICAL LEGACY TO THE SECTION TITLE; TO SPECIFY THE CATEGORY OF SPECIAL EXCEPTION NECESSARY FOR CERTAIN USES IN THE ZONING CATEGORY; TO REQUIRE THAT THE PROPERTY ON WHICH THE USE IS LOCATED SHALL HAVE BEEN OWNED AND SUBJECT TO A HOMESTEAD EXEMPTION IN THE NAME OF THE OPERATOR OR HIS OR HER DIRECT RELATIVE RELATED BY BLOOD OR MARRIAGE; TO REQUIRE THAT THE USE DOES NOT PRESENT A THREAT TO PUBLIC HEALTH; TO REQUIRE THAT THE USE HAS NO HISTORY OF CODE VIOLATIONS OR THE USE HAS BEEN BROUGHT INTO CODE COMPLIANCE; TO REQUIRE THAT THE OWNER-OPERATOR SUBMIT AN AFFIDAVIT STIPULATING TO COMPLIANCE

WITH CERTAIN CONDITIONS; AND TO REQUIRE REVIEW AND INSPECTION BY THE TOWN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

Town Manager Kutney provided background on Ordinance No. 2013-11. The Ordinance was originally the hay ordinance and has been modified. Ordinance 2013-11 went to Council for 1st reading on December 3, 2013, and then was to be sent to Planning & Zoning for review then on to Council for 2nd reading; however, Council chose to go by regular order of procedure. Once Planning and Zoning reviews the Ordinance it will go back to Council for 1st reading.

Chairman Lipp noted on page fourteen (14), the Town has asked the Planning & Zoning Board to do two things; first, decide what should be excluded from obtaining historical legacy status, and two, any uses that have been established since October 2006 (Incorporation), should they be allowed to obtain historical legacy status. The ordinance list of uses which are not eligible for historical legacy are: Adult entertainment, recreational vehicles, mobile home parks, junk or scrap yards.

Jim Fleischmann, Town Planner, requested that the Board include any other specific uses that should be excluded.

Discussion ensued concerning existing uses that should be excluded, and what kind of criteria to apply. Some uses such as horse slaughtering of course would be excluded.

Board Member Harris questioned whether the Town really needed the historical legacy ordinance, since the business concerns that still exist would ultimately go to Council for permission to run their business anyway.

Town Manager Kutney explained that yes the Town needed the ordinance for the original intent, which was the sale of hay.

Board Member Joyce stated that basically the Town knows who wants to be permitted by right. The Town should not create a list of all uses; she suggested the Town follow Palm Beach County requirements. Referencing Section 75-035 where the underline states “not previously permitted” does that mean permitted, as in allowed, or permitted by the County.

It was discussed that if the business is not subject to code violations, or there is a problem with the neighbors, it remains a “live and let live” situation. It’s just a matter of keeping track and the main objective is to keep it legal. It used to be a love or leave it community but times are changing. There should be a time frame for registering. Blood relatives are mother, father, son, daughter, and/or grandparents. Proof will be a concern. Use of a property control number will

be the best for tracking. Whoever is homesteading the property and living on the property should be the individual who runs the business.

Mr. Fleischman will reword section (C)2 and not include the direct relative reference.

Board Member Joyce referenced (E) and requested the word “use” be stricken and just state the “property” has no history. Concerning (F)2, strike physical address and only reference Property Control Number, this will be consistent with (C). Under (H) add number (4) additional uses determined by Town Staff. It was mentioned that hours of operation, employees, or noise factors has not been addressed.

Mr. Fleischmann, stated category (B) Special Exceptions will be the catchall. A Number (7) comment will be added to paragraph (F) which will also list items and include whatever staff deems appropriate. Number (8) will be added to require business to register annually. Number (6) was will be revised by striking “other than a direct relative related by blood or marriage”.

Chairman Lipp, no retail should be allowed under historical legacy.

Motion: Board Member Joyce made a motion to approve Ordinance No. 2013-11 as amended by the Board and including changes. The motion was seconded by Board Member Harris. The motion passed 3/0.

- **DRYSDALE PROPERTY**

- a. Small Scale Comprehensive Plan Amendment (CPA) 2013-2(SS)
- b. Rezoning (REZ) 2013-3

Mr. Fleischmann passed out and explained the concept plan for the property, and explained the purpose of Amendment (CPA) 2013-2 (SS). The purpose of this Amendment is to change the zoning from A/R (Agricultural/Residential) Zoning to the proposed rezoning C/L (Commercial/Low) Zoning. There are two (2) proposed amendments for Board review. First, is a small scale future land use amendment, and second a zoning map amendment on the same property. Currently the property is comprised of 6.55 acres, and is comprised of three (3) lots with a single dwelling allowed on each lot, per Town Code. The potential under the proposed amendment is a commercial development of 28,532 square feet. Staff recommends approval for both applications, subject to six (6) conditions, which are listed on page twenty-two (22) of the staff report. Mr. Fleischmann listed the conditions. He noted pages twenty-three (23) through twenty-seven (27) was the summary of the staff report and is a new format for small scale amendments. Based on the staff report, both the land use plan amendment application and the

zoning change amendment meet all the necessary criteria per the Comprehensive Plan and the ULDC (Unified Land Development Code). Ms. Drysdale, owner of the property was present and could speak, or answer, any questions the Board might have.

Chairman Lipp asked Town Manager Kutney if the Town changes the land use or zoning, what happens at the Property Appraiser's Office.

Town Manager Kutney replied that the appraised value of the property might possibly be raised.

Board Member Harris asked if these amendments required advertising.

Mr. Fleischman stated as with small scale amendments, the property has been posted, the Town will do a mail out notice to property owners within 1,000 feet, and the ordinance will be advertised in the newspaper prior to second reading.

Mr. Fleischmann explained that the zoning to the east of Ms. Drysdale's property is zoned Commercial Low Office.

Board Member Joyce asked, that with the change, if the property would be non-conforming because there is a residential use.

Mr. Fleischmann explained that it was his understanding that the house would be removed.

The Board expressed concern that no site plan development had been planned prior to them considering a land use and zoning change, and why are they supporting the application.

Mr. Fleischmann stated that the change was consistent with the Comprehensive Plan.

Ms. Drysdale's eldest son provided a brief history on the property. His mother has owned the property for twenty-five (25) years, and planned to use it for her retirement. At this time there are no plans for development. There is interest however, in the property, but the zoning must be in place for any developer to partner, and to come forward with an offer. Ms. Drysdale lives around the corner from the property in question.

Board Member Joyce does not feel this will benefit the community, and wanted to know why the Town didn't just rezone the entire corridor.

Mr. Fleischmann stated that one day that might be a possibility; however, the Town will not currently be doing this, the property owners have to come in individually to request the changes.

Discussion ensued concerning pro and cons of selling property with or without a planned development established.

Board Member Joyce would not be in favor of this proposal until there was an assurance that someone was going to develop the property.

Ms. Drysdale's son stated he would like to proceed to partner with a developer but they cannot get there without the zoning first.

Mr. Fleischmann referenced the blue hash marks on the site plan that indicated property Florida Department of Transportation (FDOT) is interested in for a pond site.

Motion: Board Member Harris made a motion to approve to application process and recommend to Town Council the change of zoning. The motion was seconded by Board Member Joyce.

Per Mr. Fleischmann's recommendation, Board member Harris amended his motion to make two (2) separate motions; one for approval the land use plan, and one for approval of the proposed zoning. The second motion was seconded by Board Member Joyce. Upon a roll call vote, the motion passed 2/1 for approval, with Board Member Joyce dissenting.

Town Manager Kutney stated that he will consult with the Town Attorney and advise him that this meeting only had a quorum of three and the vote is 2/1, technically it is not the majority of the Board. The item will still move forward with the approval, but the correct determination will be noted.

Chairman Lipp agreed with Town Manager Kutney's position.

6. COMMENTS FROM THE BOARD

Board member Harris wished everyone a Merry Christmas.

Board Member Joyce also wished everyone a Merry Christmas.

Chairman Lipp wished everyone Merry Christmas as well. He stated that he went to the Minto Workshop on Tuesday and reported that Mr. John Carter stated the company is happy with the location on Southern Boulevard for the college site; however, they are mired in litigation.

Town Manager Kutney was not aware of any litigation, but did know that the Judge still has not ruled on the referendum question that was a lawsuit brought by some Town residents. This is a Town issue not a concern of the college.

7. ADJOURNMENT

There being no further business, The Planning and Zoning Board Meeting of December 12, 2013, was adjourned at 8:23 p.m.

Janet K. Whipple, Town Clerk

Dennis Lipp, Chair



**HANDOUT for Planning & Zoning Board meeting 10-10-13, and for
ULDC Review Committee meeting on 10-17-13***

PROVIDED BY VICE MAYOR JARRIEL AT THE 10-01-13 TOWN COUNCIL MEETING, WITH THE REQUEST THAT IT BE FURNISHED TO THE PLANNING AND ZONING BOARD AND THE UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE.

- City of Port St. Lucie Code of Ordinance 158.217(F) re: home occupations
- Highlands County code Section 12.08.109 re: home occupations

*** PURSUANT TO THE DIRECTION OF TOWN MANAGER KUTNEY THIS CAN BE DISCUSSED AT A FUTURE MEETING OF PLANNING & ZONING BOARD AND ULDC REVIEW COMMITTEE.**

City of Port St Lucie Business Tax Requirements

Frequently asked questions when starting a business inside the City limits of Port St. Lucie:

Who needs a Tax Certificate and Why?

Any person or business having a location within the city limits of Port St Lucie that engages in any business activity must pay a business tax and obtain a Business Tax Receipt.

Business Tax Receipts expire September 30 and may be renewed on or after July 1 of each year. On October 1, they are delinquent and subject to penalties each month thereafter. New tax receipts are issued at any time during the year and are prorated April 1.

A Business Tax Receipt (formerly called occupational license) is issued by the City of Port St Lucie Business Tax Division for the privilege of engaging in any business, occupation or profession. Anyone providing merchandise or services to the public, even through a one-person company or home-based occupation, must obtain a Business Tax Receipt. A City of Port St Lucie Business Tax Receipt does not replace or eliminate any other city or state requirements for taxes or licenses. Businesses that open for business prior to obtaining a Business Tax Receipt are subject to a 25% penalty on the assessed business tax. This penalty and the penalties for late renewal of the Business Tax Receipt are pursuant to the Florida State Statute 205.053, which states:

1. All business tax receipts shall be renewed by the appropriate taxing agency beginning July 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Provisions for partial business tax receipts may be made in the resolution or ordinance authorizing such tax receipts. Business Tax Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax receipt for the delinquent establishment.
2. Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax receipt within 150 days after the initial notice of tax due, and who does not obtain the required business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.

CODE COMPLIANCE

The Code Compliance Department would like to welcome your business to Port St Lucie. We wish you success in your endeavors, and would like you to be aware of a few regulations that would be of interest to your business.

- All vehicles in parking lot need to be operable and have a current tag displayed.
- Parking on grass/landscaped areas is prohibited.
- Working outside of bay not permitted.
- Open storage of materials/items outside not permitted.
- No signage shall be placed at business without approved permit.
- Blocking ingress/egress not permitted.
- Building owner shall maintain all approved elements of an approved site plan including landscape, appearance and other site development procedures.

We thank you in advance for complying with the Port St Lucie Code of Ordinances. It takes all of us working together to preserve the beauty of our community and ensure the health, safety and welfare of our residents. If we can assist you in the future, please call our office at (772) 871-5010.

City of Port St. Lucie Code of Ordinance 168.217 (F). Business tax certificate required

- (F) Home Occupation. A home occupation as defined herein shall be permitted within an area zoned residential, subject to the following provisions:
- (1) The holder of the home occupation may have employees engaged in the business provided that not more than one (1) of said employees, except those who reside in the home, report to or work at the site of the home occupation.
 - (2) The home occupation shall use no more than two hundred (200) square feet of total floor area.
 - (3) The use of the dwelling for the home occupation shall be clearly incidental and secondary to its use for dwelling purposes. The occupation shall not change the character of the dwelling or reveal from the exterior that the dwelling is being utilized for use other than dwelling purposes. There shall be no display of stock for sale or trade located upon the premises, and no article shall be sold or offered for sale except such as may be produced on the premises or is utilized in conjunction with the home occupation. The manufacturing of a product for resale shall not be produced with mechanical or electrical equipment which is not normally found in a dwelling and considered as purely a domestic implement.
 - (4) Any use of a dwelling contrary to these provisions or which creates or may create objectionable noises, fumes, odors, dust, electrical interference, or greater than normal residential traffic shall be expressly prohibited.
 - (5) Any individual who promotes or solicits a home occupation by displaying, advertising, or using in any fashion his home address or telephone; who provides or conducts a home occupation as defined herein; or who offers home occupation services as defined herein shall be required to obtain a business tax receipt therefore. The offering of articles for sale in isolated situations shall not be considered as a home occupation or require permit and tax receipt.
 - (6) Application for a home business tax receipt shall be made to the city, setting forth the address of the subject premises, the type of home occupation desired, and the area of the dwelling to be utilized for same. The City may inspect the subject premises to verify full compliance of the proposed home occupation usage with the provisions of the ordinance. Upon approval of the application, the City shall issue a tax receipt for the home occupation.
 - (7) Real estate brokers licensed pursuant to Chapter 476, Florida Statutes, may conduct their business as a home occupation and place their brokers license at their place of residence. In addition to a single employee, a real estate broker is permitted to have two (2) real estate sales associates licensed pursuant to Chapter 476, Florida Statutes. The associates may place their license with a real estate broker conducting business as a home occupation provided the real estate broker home occupation shall be conducted in accordance with and conform to all of the above conditions and restrictions as otherwise established for home occupations.

Separate business tax for each location and business activity

A tax receipt shall be obtained for each location including branches of the business within the city as if the branch or location were a separate business, unless prohibited by F.S. CH. 205. A tax receipt shall also be obtained for each unique and different type of business activity. Whenever any business, occupation or profession shall fall into more than one of the classifications contained in the schedule set forth in this article, such occupation, business, or profession shall be required to comply with the tax requirements and to pay the business tax imposed under or pertaining to each classification or privilege. All business activities shall be assigned to at least one of the approved classifications.

How do I apply for a Tax Certificate?

The Application for a City of Port St. Lucie Business Tax Certificate can be obtained by calling (772) 344-4356 or visiting the office located at the Municipal Complex 121 SW Port St Lucie Blvd, Building B

Highlands Co. Home Occupation

Pg. 1

Linda Conrad - Zoning Supervisor

501 South Commerce Ave, Sebring, FL 33890

Sec. 12.08.109 Home Occupations: Ph. # 1-863-402-6638

- A. **Applicability:** Allowed in all zoning districts.
- B. **Additional Standards for Approval:** In any zoning district wherein a home occupation is permitted as an accessory use to the primary residential dwelling such accessory uses shall be subject to the following Regulations:
1. No person other than members of the family residing on the premises may be engaged in such occupations. No other persons may park, pick up, leave, report to and/or from the premises in a vehicle engaged in such occupation.
 2. The use of the dwelling unit or mobile home for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 100 square feet or 25 percent of the gross floor area in excess of the minimum floor area required in that zoning district, whichever is greater, shall be used in the conduct of the home occupation.
 3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation. A nameplate, not exceeding one square foot in area, nonilluminated and mounted flat against the wall of the principal building, or one sign two square feet in size in the front yard, no more than three feet above ground level may be permitted to identify the home occupation.
 4. No home occupation shall be conducted in any garage, carport, yard or accessory building.
 5. Only sales incidental to the home occupation will be permitted.
 6. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street and in other than a required front yard.
 7. No equipment, process or use shall be conducted in such home occupation which creates noise, vibration, glare, fumes, odor or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the residential unit, if conducted in other than single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers or electronic equipment off the premises or causes fluctuations in line voltage off the premises.
 8. Garage or yard sales of tangible personal property shall not exceed

Highlands Co. Home Occupation Ph. # 1-863-402-6638 Pg. 2
Linda Conrad - Zoning Superv.
501 South Commerce Ave. Sebring, FL 33870

two in number during any calendar year in residential zoning districts, provided that:

- a. Such tangible personal property shall be sold only on the premises of a residential dwelling unit by the owner or lessee of such dwelling unit.
- b. Such owner or lessee must be the legal owner or acting in concert with another owner or owners of such tangible personal property at the time of the sale.
- c. No new merchandise (i.e., merchandise acquired for the purpose of resale) shall be sold at such sale.
- d. Such sale shall be confined to the garage, patio, driveway, yard or residence on the premises.
- e. The duration of each such sale shall not exceed three consecutive calendar days.
- f. Such sales conducted by private nonprofit organizations shall be exempt from the provisions of this section.
- g. No such garage or yard sale shall be held without the owner or occupant of the premises having first obtained a permit therefor. Such permit shall be obtained by applying to the Highlands County zoning department, who shall issue such permit upon payment of the fee established from time to time by resolution of the BCC, Such permit shall specify the address and date of such garage or yard sale. (Res. of 8-18-79, § 7(17); Ord. No. 89-9; Ord. No. 89-14; Ord. No. 89-25; Ord. No. 93-15, § 56; Ord. No. 00-01-17)(Ord. 03-04-1) (Old Sec. 12-122)



For Point of Reference:

**The attached sections are from the Town's ULDC that currently
relate to home occupations**

PART II - ZONING DISTRICTS

Article 20 - RESIDENTIAL ZONING DISTRICTS

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

PART II - ZONING DISTRICTS

Article 20 - RESIDENTIAL ZONING DISTRICTS

acre of land and parcels over ten acres in size shall 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.
- (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

PART II - ZONING DISTRICTS

Article 20 - RESIDENTIAL ZONING DISTRICTS

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.
 - 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.

PART II - ZONING DISTRICTS

Article 20 - RESIDENTIAL ZONING DISTRICTS

- 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

PART II - ZONING DISTRICTS

Article 20 - RESIDENTIAL ZONING DISTRICTS

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
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

PART II - ZONING DISTRICTS

Article 20 - RESIDENTIAL ZONING DISTRICTS

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.

PART II - ZONING DISTRICTS

Article 20 - RESIDENTIAL ZONING DISTRICTS

- (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 demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

PART II - ZONING DISTRICTS

Article 20 - RESIDENTIAL ZONING DISTRICTS

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."

PART III - SUPPLEMENTAL REGULATIONS

Article 80 - CONDITIONAL USES

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.

PART III - SUPPLEMENTAL REGULATIONS

Article 80 - CONDITIONAL USES

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.

PART III - SUPPLEMENTAL REGULATIONS

Article 80 - CONDITIONAL USES

- (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.
- (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.

PART III - SUPPLEMENTAL REGULATIONS

Article 80 - CONDITIONAL USES

- (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;
 - (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;

PART III - SUPPLEMENTAL REGULATIONS

Article 80 - CONDITIONAL USES

- (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 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

PART III - SUPPLEMENTAL REGULATIONS

Article 80 - CONDITIONAL USES

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 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.

PART III - SUPPLEMENTAL REGULATIONS

Article 80 - CONDITIONAL USES

- (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 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.

PART III - SUPPLEMENTAL REGULATIONS

Article 80 - CONDITIONAL USES

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

PART III - SUPPLEMENTAL REGULATIONS

Article 80 - CONDITIONAL USES

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.*

PART III - SUPPLEMENTAL REGULATIONS

Article 80 - CONDITIONAL USES

- (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
 - (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.

PART III - SUPPLEMENTAL REGULATIONS

Article 80 - CONDITIONAL USES

- (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.

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.

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.