

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



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.



UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 2. Minutes of August 15, 2013

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



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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, 2013. They would probably be issuing the map in 2014, and public meetings would be held in that regard. Since the ULDC Committee would be sunseting 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 think 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. The motion died for lack of a second.

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.**



UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 3.a.2. Article 75

Article 75

NONCONFORMING USES, STRUCTURES AND PLOTS

- Section 75-005. Purpose and intent.
- Section 75-010. Uses and structures existing as of October 1, 2006.
- Section 75-015. Determination of a nonconformity.
- Section 75-020. Nonconforming uses.
- Section 75-025. Nonconforming structures.
- Section 75-030. Nonconforming plots of record.
- 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 existing as of October 1, 2006.

Notwithstanding other provisions contained in this article, all uses, 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 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.

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.

The Town Council shall make a determination as to the existence of a nonconformity based upon evidence furnished by the applicant for the determination. Town staff may make use of affidavits and investigation as necessary, however, the applicant shall bear the burden of proof that the property is entitled to nonconforming status.

The question as to whether a nonconforming use 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 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.

(A) A nonconforming plot of record may be used for any use permitted by the zoning district within which the plot is located, provided the plot complies with all development standards except for required plot size and dimensions, and provided that 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 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 as follows:

- (1) *Setbacks.* Setbacks for new development or redevelopment of a primary structure on a nonconforming plot of record 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 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.

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- (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 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 Special Exception; and
- (C) The application for the Special Exception shall be filed within eight months of the effective date of these regulations.



UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 3.a.4. ULDC Article 87

Article 87

**NATIVE TREE PRESERVATION, SOIL STABILIZATION AND INVASIVE EXOTIC
REMOVAL***

- 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.

***Editor's note**—Ord. No. 2010-008, § 2(Exh. A, §§ 1—8), adopted Oct. 5, 2010, added provisions that were not specifically amendatory. At the editor's discretion, said provisions were included herein as §§ 87-005—87-040.

Cross reference—Landscaping, § 85-005 et seq.

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.

(Ord. No. 2010-008, § 2(Exh. A, § 1), 10-5-2010)

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

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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 lightning 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.

TREE PRESERVATION, SOIL STABILIZATION, INVASIVE REMOVAL § 87-015

§ 380.04. 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 .

(Ord. No. 2010-008, § 2(Exh. A, § 2), 10-5-2010)

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

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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.

TREE PRESERVATION, SOIL STABILIZATION, INVASIVE REMOVAL § 87-025

(D) *Prohibited activities.* The purposeful planting or installation and cultivation of vegetation identified as invasive non-native vegetation is prohibited.
(Ord. No. 2010-008, § 2(Exh. A, § 3), 10-5-2010)

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.
(Ord. No. 2010-008, § 2(Exh. A, § 4), 10-5-2010)

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.

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- (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 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

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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.

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(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 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.

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(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.

(Ord. No. 2010-008, § 2(Exh. A, § 5), 10-5-2010)

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.

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- (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.
- (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

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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.

(Ord. No. 2010-008, § 2(Exh. A, § 6), 10-5-2010)

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.

(Ord. No. 2010-008, § 2(Exh. A, § 7), 10-5-2010)

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 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

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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 action and 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.

(Ord. No. 2010-008, § 2(Exh. A, § 8), 10-5-2010)



UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 3.a.4. Invasive Tree Species Email
(Howard Voren)

Mark Kutney

From: Howard Voren <voren@comcast.net>
Sent: Friday, August 16, 2013 5:39 PM
To: Mark Kutney
Subject: Invasive tree species

Mark,

One of the topics on the agenda that we did not get a chance to discuss was invasive tree species. There have been several complaints that the Town spends too much money on hedging to keep the "right of ways" open on several roads. I have a proposed addition to the ULDC that would address this issue. Can you please include it in the next agenda packet and perhaps share it in advance with the other committee members so they have time to digest the idea.

It is based on the fact that most all hedging is done on Brazilian Pepper which is a species that the State of Florida wants eradicated. With this in mind I suggest the following.

Whether on public or private property, any hedging of invasive species to maintain the right of way on roads, must be performed in conjunction with the lethal treatment of the tree with herbicide.

Thanks, Howard Voren



UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 3.a.5. Discussion of Questions
for the AGO (Howard Voren)

The Town has adopted land development regulations pursuant to Chapter 163, Florida Statutes.² The Town's land development regulations contain typical setback requirements for properties in the Town. Subject to consistency with the Right To Farm Act, the Town has sought to enforce setback requirements upon nonresidential farm buildings, such as shade houses, corrals, and barns. However, the change to Section 604.50(1), which exempts nonresidential farm buildings, farm fences and farm signs from "any county or municipal code" would prevent the Town from enforcing its zoning regulations, such as setbacks for non-residential farm buildings, farm fences and farm signs if it is determined that Section 604.50 provides an exemption for nonresidential farm buildings, and farm fences and signs, from the Town's land development regulations.

Legal Analysis

Whether the word "code" in Section 604.50(1) includes land development regulations adopted pursuant to Chapter 163, Florida Statutes, is a matter of statutory interpretation.

When the statute is clear and unambiguous, courts will not look behind the statute's plain language for legislative intent or resort to rules of statutory construction to ascertain intent. *See Lee County Elec. Coop., Inc. v. Jacobs*, 820 So.2d 297, 303 (Fla.2002). In such instance, the statute's plain and ordinary meaning must control, unless this leads to an unreasonable result or a result clearly contrary to legislative intent. *See State v. Burris*, 875 So.2d 408, 410 (Fla.2004). When the statutory language is clear, "courts have no occasion to resort to rules of construction-they must read the statute as written, for to do otherwise would constitute an abrogation of legislative power." *Nicoll v. Baker*, 668 So.2d 989, 990-91 (Fla.1996).

Daniels, 898 So.2d at 64-65. However, if the statutory intent is unclear from the plain language of the statute, then "we apply rules of statutory construction and explore legislative history to determine legislative intent." *BellSouth Telecomms., Inc.*, 863 So.2d at 289.

Koile v. State, 934 So. 2d 1226, 1230-31 (Fla. 2006)

The word "code" is not defined in Chapter 604, or anywhere within the Florida Statutes. Black's Law Dictionary, Seventh Edition, defines the word "code" as "[a] complete system of positive law, carefully arranged and officially promulgated; a systemic collection or revision of laws, rules, or regulations."

The term "land development regulations" is defined in Florida Statutes as:

² The Town has entitled its land development regulations as its "Unified Land Development Code." Nonetheless, they were adopted pursuant to Chapter 163 and serve as the Town's land development regulations.

the lands lying within the limits of an incorporated municipality, lands in and adjacent to incorporated municipalities, all unincorporated lands within a county, or areas comprising combinations of the lands in incorporated municipalities and unincorporated areas of counties.

(7) "Capital improvement" means physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing. For the purposes of this part, physical assets that have been identified as existing or projected needs in the individual comprehensive plan elements shall be considered capital improvements.

(8) "Coastal area" means the 35 coastal counties and all coastal municipalities within their boundaries.

(9) "Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

(10) "Comprehensive plan" means a plan that meets the requirements of ss. 163.3177 and 163.3178.

(11) "Deepwater ports" means the ports identified in s. 403.021(9).

(12) "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.

(13) "Developer" means any person, including a governmental agency, undertaking any development as defined in this act.

(14) "Development" has the same meaning as in s. 380.04.

(15) "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

(16) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

(17) "Downtown revitalization" means the physical and economic renewal of a central business district of a community as designated by local government, and includes both downtown development and redevelopment.

(18) "Floodprone areas" means areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on flood insurance rate maps or flood hazard boundary maps.

(19) "Goal" means the long-term end toward which programs or activities are ultimately directed.

(20) "Governing body" means the board of county commissioners of a county, the commission or council of an incorporated municipality, or any other chief governing body of a unit of local government, however designated, or the combination of such bodies where joint utilization of this act is accomplished as provided herein.

(21) "Governmental agency" means:

- (a) The United States or any department, commission, agency, or other instrumentality thereof.
- (b) This state or any department, commission, agency, or other instrumentality thereof.
- (c) Any local government, as defined in this section, or any department, commission, agency, or other instrumentality thereof.

(d) Any school board or other special district, authority, or governmental entity.

(22) "Intensity" means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

(23) "Internal trip capture" means trips generated by a mixed-use project that travel from one onsite land use to another onsite land use without using the external road network.

conveys no property interest and does not eliminate any applicable notice requirements to affected land owners.

(c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

(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.

(f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

(g) A change in the ownership or form of ownership of any parcel or structure.

(h) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(4) "Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (1).

History.—s. 4, ch. 72-317; s. 2, ch. 83-308; s. 94, ch. 2002-20; s. 29, ch. 2002-296.

380.045 Resource planning and management committees; objectives; procedures.—

(1) Prior to recommending an area as an area of critical state concern pursuant to s. 380.05, the Governor, acting as the chief planning officer of the state, shall appoint a resource planning and management committee for the area under study by the state land planning agency. The objective of the committee shall be to organize a voluntary, cooperative resource planning and management program to resolve existing, and prevent future, problems which may endanger those resources, facilities, and areas described in s. 380.05(2) within the area under study by the state land planning agency.

(2) The committee shall include, but shall not be limited to, representation from each of the following: elected officials from the local governments within the area under study; the planning office of each of the local governments within the area under study; the state land planning agency; any other state agency under chapter 20 a representative of which the Governor feels is relevant to the compilation of the committee; and a water management district, if appropriate, and regional planning council all or part of whose jurisdiction lies within the area under study. After the appointment of the members, the Governor shall select a chair and vice chair. A staff member of the state land planning agency shall be appointed by the director of such agency to serve as the secretary of the committee. The state land planning agency shall, to the greatest extent possible, provide technical assistance and administrative support to the committee. Meetings will be called as needed by the chair or on the demand of three or more members of the committee. The committee will act on a simple majority of a quorum present and shall make a report within 6 months to the head of the state land planning agency. The committee shall, from the time of appointment, remain in existence for no less than 6 months.

(3) Not later than 12 months after its appointment by the Governor, the committee shall either adopt a proposed voluntary resource planning and management program for the area under study or recommend that a voluntary resource planning and management program not be adopted. The proposed voluntary resource planning and management program shall contain the committee findings with respect to problems that endanger those resources, facilities, and areas described in s. 380.05(2) and shall contain detailed

Questions for AGO

The regulations in the ULDC are enacted as allowed by F1 chapter 163.

According to F1 Chapter 163, agriculture is exempt from development codes.

Florida 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 Statue, 823.14, does the property appraiser need to classify a particular use code and does one need to have implement BMP's?
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?



UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 3.b.1. Discussion of ULDC Sign Provisions – Article 90

Article 90

SIGNS

- Section 90-005. Purpose and intent.
- Section 90-010. Definitions.
- Section 90-015. Prohibited signs.
- Section 90-020. Temporary signs.
- Section 90-025. General provisions for all signs.
- Section 90-030. Computing sign area.
- Section 90-035. Computing sign height.
- Section 90-040. Standards by sign type and zoning district.
- Section 90-045. Temporary signs.
- Section 90-050. Promotional signs.
- Section 90-055. Billboards.
- Section 90-060. Flags.
- Section 90-065. Landscaping around signage.
- Section 90-070. Sign permit requirements.
- Section 90-075. Nonconforming signs.

Section 90-005. Purpose and intent.

The purpose of this section is to establish standards for the placement and use of signs and other advertising consistent with State of Florida and Federal law. These standards are designed to protect the health and safety of the Town of Loxahatchee Groves and to assist in the promotion of local businesses and industries. Specifically, this section is intended to:

- (A) *Identification.* Promote and aid in the identification, location, and advertisement of goods and services, and the use of signs for free speech;
- (B) *Aesthetics.* Preserve the unique character of the Town and protect the Town from visual blight;
- (C) *Compatibility.* Make signs compatible with the overall objectives of the Plan and protect property values by ensuring compatibility with surrounding land uses;
- (D) *Safety.* Promote general safety and protect the general public from damage or injury caused by, or partially attributed to, the distractions, hazards, and obstructions that result from improperly designed or located signs.

Section 90-010. 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 section, except where the context clearly indicates a different meaning.

Abandoned sign. Any sign, except a billboard sign, which no longer pertains to any person, organization, product, service, activity or business located on or available at the premises where such sign is displayed; any sign, except a billboard sign, which no longer contains a message; and/or any sign in a state of disrepair.

Aggregate frontage.

- a. *Interior plots:* The actual lineal street frontage;
- b. *Through plots:* The total actual lineal street frontage on both streets;
- c. *Corner plots:* The sum of the straight line lineal distances along both streets extended beyond corner chords, radius and turn lanes to the point of intersection;
- d. *Interrupted corner plots:* The sum of the actual street frontages exclusive of outparcels.

Animated sign. A sign designed to utilize motion of any part by any means, including wind power, or designed to display changing colors, flashing, oscillating or intermittent lighting, electronic messages or moving images, or which emits visible smoke, vapor, particles, noise or sounds. The definition of animated sign shall not include changeable copy signs, as defined herein.

Area of sign. The total area of each sign face which may be used to display copy, including background, but not including the frame and structural supporting elements. Where a sign is composed of individual letters, characters or symbols applied directly to a building, canopy,

marquee, mansard, fascia, facade, parapet, awning, wall or fence, the area of the sign shall be the smallest rectangle, triangle or circle which will enclose all of the letters, characters or symbols. The area of a double-faced sign shall be the total area of each sign face.

Awning or umbrella. A shelter made of fabric, plastic, vinyl or other non-rigid material supported by a metal frame.

Awning sign. A type of sign that is painted, stitched, stamped, perforated or otherwise affixed to an awning or umbrella.

Balloon sign. A type of sign that is temporary, three-dimensional, and usually made of non-rigid material, inflated by air or other means to a point of semi-rigidity and used for advertising purposes, with or without copy.

Banner or pennant sign. A type of sign, with or without a frame and with or without characters, letters, symbols or illustrations, made of cloth, fabric, paper, vinyl, plastic or other non-rigid material for the purpose of gaining the attention of persons.

Bench sign. Any sign painted on or affixed to a bench or to a shelter for persons awaiting public transportation.

Billboard sign. A type of sign which directs attention to a business, commodity, service, product, activity or ideology not conducted, sold, offered, available or propounded on the premises where such sign is located and the copy of which is intended to be changed periodically.

Building frontage. The wall extending the length of the building or lease lines of any building, the legal use of which is one of commercial or industrial enterprise and including the location of public entrance(s) to the establishment.

Building identification sign. A mandatory sign providing the address of the structure, dwelling unit, or business to which it is attached. All building identification signs must be attached to the structure and easily identifiable. Building identification signs for non-residential structures may be in the form of an awning sign.

Building wall sign. A type of sign where its entire area is displayed upon or attached to any part of the exterior of a building wall, facade or parapet, approximately parallel to and not more than 12 inches from the face of the wall upon which it is displayed or attached.

Cabinet sign. Any sign, other than a banner or pennant sign, which is designed so that the sign face is enclosed, bordered or contained within a boxlike structure or cabinet, frame or other similar device. This definition shall not include individual channel letters.

Campaign sign. See "opinion sign."

Canopy. A permanent, unenclosed shelter attached to and extending from a building or a free-standing permanent shelter.

Canopy sign. A type of sign that is painted on or otherwise affixed to the fascia of a canopy, marquee or mansard roof.

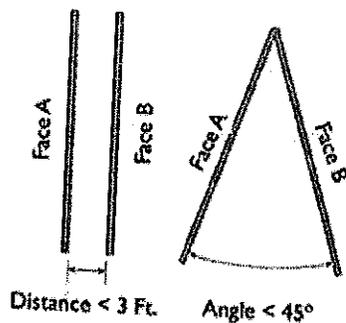
Changeable copy sign. A sign designed in a manner that allows the copy to be changed either manually, electronically or by any other method through the use of attachable letters, numbers, symbols or changeable pictorial panels, and other similar characters, or through internal rotating or moveable parts which can change the visual message without altering the sign face.

Copy. The linguistic or graphic content of a sign, either in permanent or removable form.

Directional sign. A sign, with or without a directional arrow, designed to direct the public to a facility or service or to direct and control traffic, such as entrance and exit signs, and which does not contain any other commercial advertising.

Directory sign. A sign, which may consist of an index, designed to provide the names of tenants in an office building, shopping center or other multi-tenant complex.

Double-faced sign. A sign with two sign faces which are parallel and less than three feet of each other or are not parallel but are connected and within 45 degrees of each other. See diagram.



Façade. That portion of any exterior building elevation extending from grade to the top of the parapet wall or eaves along the entire width of the business establishment building frontage.

Fascia. The flat, outside horizontal member of a cornice, roof, soffit, canopy or marquee.

Fence or wall sign. A type of sign attached to and erected parallel to the face of or painted on a fence or free-standing wall and supported solely by such fence or free-standing wall.

Flag. A piece of fabric, often attached to a staff, containing distinctive colors, patterns or symbols, identifying a government or political subdivision.

Frontage. The total distance along any street line.

Garage sale sign. A sign designed to advertise the sale of personal property by the person or family conducting the sale in, at or upon residentially zoned or residentially used property. Garage sale signs shall include lawn sales, yard sales or any similar designation.

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General information sign. A sign designed to provide information on the location of facilities or a warning to the public regarding the premises where the sign is located, such as entrance or exit signs, caution, no trespassing, no parking, tow-away zone, parking in rear, disabled parking, restrooms, etc., and containing no commercial advertising.

Grand opening sign. A temporary sign designed to announce the opening of a newly licensed business not previously conducted at the location by the same person(s).

Hanging wood frame sign. A type of sign hung or suspended from a free-standing wood frame, such frame being not higher than five feet, nor wider than four feet.

Holiday or seasonal signage. The temporary lighting, garlands, wreaths or other decorations relating to a particular regional or nationally recognized holiday and containing no advertising.

Identification sign. A sign designed to provide the name, owner, address, use, and/or service of a particular activity located on the premises where such sign is displayed.

Illuminated sign. Any sign having characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed for that purpose, whether or not said lights or tubes are physically attached to the sign.

Interior sign. Any type of sign located inside a building which is not clearly visible from and not intended to be seen from the exterior of the building.

Internal illumination. A light source concealed or contained within the sign which becomes visible by shining through a translucent surface.

Menu sign. A sign designed to indicate the food items, products, services or activities provided on the premises. Such signs are commonly, but not necessarily, associated with fast-food restaurants at the entrance to drive-through facilities.

Mobile sign. Any type of sign not permanently attached to a wall or the ground or any other approved supporting structure, or a sign designed to be transported, such as signs transported by wheels, mobile billboards, sandwich signs, sidewalk signs, curb signs, and unanchored signs.

Monument sign. A type of freestanding sign supported by an internal structural framework or integrated into a solid structural feature other than support poles. In order to qualify as a monument sign, the supporting structure shall not be less in width than 50 percent of the sign face, inclusive of any box, cabinet, or frame.

Mural. A graphic, artistic representation painted on a wall, not including graffiti, which contains no advertisement or relationship to any product, service or activity provided, offered or available on the premises.

Neon sign. A type of sign formed by luminous or gaseous tubes in any configuration.

Nonconforming sign. A sign or advertising structure which was lawfully erected and maintained prior to the current provisions of this Code regulating signs, which by its height, type, design, square foot area, location, use or structural support does not conform to the requirements of this article.

Off-premises sign. A sign, other than a billboard, designed to direct attention to a business, commodity, service, product or activity not conducted, sold, offered or available on the premises where such sign is located.

Opinion sign. A sign designed to containing language, wording or an expression not related to the economic interests of the speaker and its audience, such speech generally considered to be ideological, political or of a public interest nature; or a sign indicating belief concerning an issue, name, cause or affiliation, including signs advertising political parties or any political information.

Outdoor event sign. A temporary sign designed to identify an outdoor event which is of general interest to the community.

Panel sign. A type of sign having the sign face or faces supported between two columns or poles, with no open area between such columns or poles.

Parapet. A false front or wall extension above the roof line of a building.

Permanent sign. Any sign which, when installed, is intended for permanent use. For the purposes of this article, any sign with an intended use in excess of six months from the date of installation shall be deemed a permanent sign.

Pole sign. A type of free-standing sign erected upon a pole or poles which are visible and wholly independent of any building or other structure for support.

Projecting sign. A type of sign attached to and supported by a building or other structure and which extends at any angle therefrom.

Public service sign. A type of sign erected by a governmental authority, within or immediately adjacent to a right-of-way, indicating the location of public or governmentally owned facilities, such as airports, public transportation, hospitals, schools, parks or indicating street names or other messages of public concern.

Real estate sign. A temporary sign designed to indicate a property which is for rent, sale or lease, including signs pointing to a property which is open for inspection by a potential purchaser (open house sign) or a sign indicating "shown by appointment only" or "sold."

Roof sign. A type of sign erected above the roofline or parapet, or any sign placed on rooftop structures.

Sign. Every device, frame, letter, figure, graphic, character, mark, permanently fixed object, ornamentation, plane, point, design, picture, logo, stroke, stripe, symbol, trademark, reading matter or other representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

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Sign face. The part of a sign, visible from one direction, that is or can be used for communication purposes, including any background material, panel, trim, color or direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed.

Sign width. The horizontal distance, in lineal feet, measured along the lower edge of a sign cabinet, box, frame or other surface containing a sign face.

Sign structure. Any structure erected for the purpose of supporting a sign, including decorative cover and/or frame.

Snipe sign. A sign of any material, including paper, cardboard, wood or metal, which is tacked, nailed, pasted, glued or otherwise affixed to a pole, tree, stake, fence, structure, building, trailer, dumpster or other object, with the message thereon not applicable to the present use of the premises upon which the sign is located.

Subdivision sign. A sign designed to indicate the name of a subdivision or neighborhood or other residential development.

Temporary sign. Any sign, other than a snipe sign, with an intended use of six months or less.

Traffic control sign. Any sign designed to control traffic on public streets or private property, such as speed limit, stop, caution, one-way, do not enter, tow-away zone or no parking signs.

Window sign. A sign designed to be located in a window or other transparent surface, or within a building or other enclosed structure which is visible from the exterior through a window or other opening intended to attract the attention of the public. This term shall not include merchandise located in a window or interior signs.

Section 90-015. Prohibited signs.

The following types of signs are prohibited in the Town of Loxahatchee Groves unless specifically permitted by Section 90-050, "Promotional signs."

- (A) Animated signs;
- (B) Balloon signs;
- (C) Banner or pennant signs;
- (D) Bench signs;
- (E) Billboards;
- (F) Mobile signs;
- (G) Pole signs;
- (H) Projecting signs;
- (I) Roof signs;
- (J) Snipe signs;

- (K) Strip lighting.

Section 90-020. Temporary signs.

The following types of signs are permitted in the Town of Loxahatchee Groves on a temporary basis:

- (A) Garage sale sign;
- (B) Project sign;
- (C) Real estate sign;
- (D) Seasonal or holiday signage.
- (E) Other signs, including opinion signs, to be used on a temporary basis.

Section 90-025. General provisions for all signs.

This section establishes the physical standards and requirements applicable to all signs including flags and the districts in which they are located. More detailed standards applicable to specific types of signs follow this section.

- (A) *Setbacks.* All signs shall be setback a minimum of five feet from the property line.
- (B) *Materials.* All permanent signs shall be made of durable materials not subject to rapid deterioration.
- (C) *Lighting.*
 - (1) All sign lighting is restricted to the hours of operation of the entity or establishment with which the sign is associated.
 - (2) All sign lighting shall be properly shielded to prevent glare on adjacent streets or properties.
 - (3) Illumination shall be constant and shall not consist of flashing or animated lights.
 - (4) Exception. Holiday signage shall be exempt from the lighting requirements above.
- (D) *Maintenance.* Every sign, together with its framework, braces, angles, or other supports, shall be well maintained in appearance and in a good and safe condition. The sign shall be properly secured, supported, and braced, and able to withstand wind pressures as required by the applicable building code or any other regulatory code or ordinance in effect within the Town limits. In the event that an attached sign is removed, all anchor holes shall be filled and covered, by the owner of the property, in a manner that renders the anchor holes non-discernable with the wall.
- (E) *Design and placement.* All permanent signs shall be limited to a maximum of two faces (double-faced). All signs shall not be placed in such a position or manner as to obstruct

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or interfere, either physically or visually, with any fire alarm or police alarm, and shall not project over a public street, trail, or other public right-of-way unless approved by the Town Council.

- (F) *Sign message.* Any sign authorized by this article may contain a non-commercial message provided that sign language or graphics do not contain obscenities.

Section 90-030. Computing sign area.

The methodology for computing sign area for all sign types shall be as follows:

- (A) *Single-faced signs.* Single-faced signs shall measure the sign area to include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and contrasting colored background and materials, unless stated otherwise herein. Supporting structures such as poles, sign bases, decorative elements, details, columns are not included in the sign area calculation
- (B) *Double-faced signs.* Double-faced signs shall be counted as a single-faced sign. Where the faces are not equal in size, the larger face shall be used as the bases for calculating sign area.

Section 90-035. Computing sign height.

Sign height shall be measured from the lowest height of the adjacent ground. The height of the nearest adjacent roadway crown shall be used if the sign is placed on a mound or berm.

Section 90-040. Standards by sign type and zoning district.

(A) The following signs are permitted in the Agricultural Residential (AR) zoning district subject to the requirements below. All signs in residentially zoned districts shall not be illuminated unless it is holiday signage.

- (1) *Mandatory building identification sign:*

Sign face area	0.5 sq. ft. (min)—2 sq. ft. (max)
Lettering	3 in. (min)—8 in. (max)
Number of signs (maximum)	1 per dwelling unit
Attached/freestanding or both	Attached

- (2) *Garage sale sign:*

Sign face area	6 sq. ft. (max)
Number of signs (maximum)	4 per garage sale
Height	6 feet (max)
Other restrictions	Signs shall be removed after sale
Attached/freestanding or both	Freestanding

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(3) *Real estate sign:*

Sign face area	6 sq. ft. (max)
Number of signs (maximum)	1 per street frontage
Height	6 feet (max)
Other restrictions	Sign(s) shall be removed after sale
Attached/freestanding or both	Freestanding

(4) *Seasonal or holiday signage:*

Sign face area	Not applicable
Other restrictions	Signage shall not be erected more than four weeks before the holiday and shall be removed within two weeks after the holiday
Attached/freestanding or both	Both

(5) *Opinion sign:*

Sign face area	6 sq. ft. (max)
Number of signs (maximum)	1 per street frontage
Height	6 feet (max)
Other restrictions	Sign(s) shall be removed within six weeks after election or final decision on issue (if applicable)
Attached/freestanding or both	Freestanding

(B) The following signs are permitted in the Commercial Low (CL) and the Commercial Low Office (CLO) zoning districts. All signs, other than holiday signage, shall be illuminated by back lighting (halo or silhouette) or external lighting only.

(1) *Mandatory building identification sign:*

Sign face area	0.5 sq. ft. (min)—4 sq. ft. (max)
Lettering	3 in. (min)—12 in. (max)
Number of signs (maximum)	1 per structure or business
Other	May be an awning sign
Attached/freestanding or both	Attached

(2) *Awning sign:*

Sign face area	4 sq. ft. (max); sign face area may not occupy more than 20 percent of awning.
Lettering	3 in. (min)—12 in. (max)
Number of signs (maximum)	1 per structure or business
Attached/freestanding or both	Attached

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(3) *Building wall sign:*

a. *Individual building as outparcel or stand-alone building:*

Sign face area (maximum)	1 sq. ft. per one linear foot of building frontage, or 36 square feet, whichever is less. A minimum of 18 square feet is permitted, however, in no case should the length of the sign exceed 75 percent of the building length
Number of signs (maximum)	1 per building. Buildings located on a corner are permitted a second wall sign at 50 percent of the square footage of the primary sign
Sign design and dimension	Carved or channel-styled letters, symbols, and logos only. Depth of lettering shall be eight inches maximum. Cabinet signs and changeable copy signs shall not be permitted
Other restrictions	A minimum of ten percent of the building must be maintained as clear wall area on either end of the sign
Attached/freestanding or both	Attached

b. *Shopping center or other multi-tenant center:*

Sign face area (maximum)	Regular tenants: 1 sq. ft. per one linear foot of tenant frontage, or 36 square feet, whichever is less. A minimum of 18 square feet is permitted
	Anchor tenants: 1 sq. ft. per one linear foot of anchor tenant frontage, or 60 square feet, whichever is less
	All tenants: In no case should the length of the sign exceed 75 percent of the building length or width of tenant frontage
Number of signs (maximum)	1 per tenant with an individual exterior standard entrance. Corner tenants are permitted a second wall sign at 50 percent of the square footage of the primary sign

Sign design and dimension	Carved or channel-styled letters, symbols, and logos only. Depth of lettering shall be eight inches maximum. Cabinet signs and changeable copy signs shall not be permitted
Other restrictions	A minimum of ten percent of the building or tenant frontage must be maintained as clear wall area on either end of the sign
Attached/freestanding or both	Attached

(4) *Canopy sign:*

Sign face area	1 sq. ft. per one linear foot of canopy or 24 feet, whichever is less. A minimum of 16 square feet is permitted
Number of signs (maximum)	1 per canopy or 2 per building, whichever is less
Sign design and dimension	Carved or channel-styled letters, symbols, and logos only. Depth of lettering shall be eight inches maximum. Cabinet signs and changeable copy signs shall not be permitted
Attached/freestanding or both	Attached

(5) *Monument or panel sign:*

a. *Individual building as outparcel or stand-alone building:*

Sign face area (maximum)	60 square feet
Number (maximum)	1 per building
Sign design	Carved or channel-styled letters, symbols, and logos permitted. Cabinet signs are permitted provided that letters, symbols, and logos intrude or extrude from sign face at a minimum of 3/8". Changeable copy is limited to 25 percent of sign face
Sign dimensions	Maximum height of six feet and maximum length of 12 feet

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Secondary signs	Drive-thrus, multi-tenant buildings, and accessory structures of 1,000 square feet or greater are permitted one secondary monument or panel sign with a maximum face area of no greater than 12 square feet. The sign structure shall be no higher or wider than five feet. All secondary signs, unless a menu sign or directory sign, shall be consistent in design with the primary sign on site. All secondary signage shall be located within 40 feet from the accessory structure and setback at least 20 feet from all property lines
Attached/freestanding or both	Freestanding

b. *Shopping center or other multi-tenant center:*

Sign face area (maximum)	72 square feet
Number (maximum)	1 per driveway
Sign design	Carved or channel-styled letters, symbols, and logos permitted. Cabinet signs are permitted provided that letters, symbols, and logos intrude or extrude from sign face at a minimum of 3/8". Changeable copy is limited to 25 percent of sign face
Sign dimensions	Maximum height of eight feet and maximum length of 12 feet
Secondary signs	Drive-thrus, multi-tenant buildings, and accessory structures of 1,000 square feet or greater are permitted one secondary monument or panel sign with a maximum face area of no greater than 12 square feet. The sign structure shall be no higher or wider than five feet. All secondary signs, unless a menu sign or directory sign, shall be consistent in design with the primary sign on site. All secondary signage shall be located within 40 feet from the accessory structure and setback at least 20 feet from all property lines
Attached/freestanding or both	Freestanding

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(6) *Real estate or project sign:*

Sign face area	12 sq. ft. (max)
Number of signs (maximum)	1 per street frontage
Height	6 feet (max)
Other restrictions	Sign(s) must be removed after sale or project completion
Attached/freestanding or both	Freestanding

(7) *Window sign:*

Sign face area	6 sq. ft. or 20 percent of any window or door area, whichever is less
Number of signs (maximum)	3 per tenant
Other	Window signs include neon signs and pasted letters, symbols, and logos
Attached/freestanding or both	Attached

(8) *Holiday signage:*

Sign face area	Not applicable
Other restrictions	Signage shall not be erected more than four weeks before the holiday and shall be removed within two weeks after the holiday
Attached/freestanding or both	Both

(9) *Opinion sign:*

Sign face area	Any sign that can be permitted within the regulations of this subsection may contain a noncommercial message, however, sign(s) must be removed within one week after election or final decision on issue (if applicable)
Number of signs (maximum)	
Other restrictions	
Attached/freestanding or both	

(C) The following signs are permitted in the Institutional and Public Facilities (IPF) zoning district. All signs, other than holiday signage, shall be illuminated by back lighting (halo or silhouette) or external lighting only.

(1) *Mandatory building identification sign:*

Sign face area	0.5 sq. ft. (min)—2 sq. ft. (max)
Lettering	3 in. (min)—8 in. (max)
Number of signs (maximum)	1 per structure
Other	May be an awning sign
Attached/freestanding or both	Attached

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(2) *Awning sign:*

Sign face area	2 sq. ft. (max); sign face area may not occupy more than 20 percent of awning
Lettering	3 in. (min)—8 in. (max)
Number of signs (maximum)	1 per structure or tenant
Attached/freestanding or both	Attached

(3) *Monument or panel sign:*

Sign face area (maximum)	60 square feet
Number (maximum)	1 per driveway
Sign design	Carved or channel-styled letters, symbols, and logos permitted. Cabinet signs are permitted provided that letters, symbols, and logos intrude or extrude from sign face at a minimum of 3/8". Changeable copy is limited to 80 percent of sign face
Sign dimensions	Maximum height of six feet and maximum length of 12 feet
Attached/freestanding or both	Freestanding

(4) *Real estate or project sign:*

Sign face area	12 sq. ft. (max)
Number of signs (maximum)	1 per street frontage
Height	6 feet (max)
Other restrictions	Sign(s) must be removed after sale or project completion
Attached/freestanding or both	Freestanding

(5) *Seasonal or holiday signage:*

Sign face area	Not applicable
Other restrictions	Signage must not be present before or after six weeks of season or holiday
Attached/freestanding or both	Both

(6) *Window sign:*

Sign face area	6 sq. ft. or 20 percent of any window or door area, whichever is less
Number of signs (maximum)	1 per building
Other restrictions	Neon and other illuminated window signs shall not be permitted
Attached/freestanding or both	Attached

(7) *Opinion sign:*

Sign face area	Any sign that can be permitted within the regulations of this subsection may contain a noncommercial message, however, sign(s) must be removed within one week after election or final decision on issue (if applicable)
Number of signs (maximum)	
Other restrictions	
Attached/freestanding or both	

(D) The following signs are permitted in the Parks and Recreation (PR) zoning district. All signs, other than holiday signage, shall be illuminated by back lighting (halo or silhouette) or external lighting only.

(1) *Mandatory building identification sign:*

Sign face area	0.5 sq. ft. (min)—8 sq. ft. (max)
Lettering	3 in. (min)—8 in. (max)
Number of signs (maximum)	1 per structure or business
Other	May be an awning sign
Attached/freestanding or both	Attached

(2) *Awning sign:*

Sign face area	2 sq. ft. (max); sign face area may not occupy more than 20 percent of awning
Lettering	3 in. (min)—8 in. (max)
Number of signs (maximum)	1 per structure or tenant.
Attached/freestanding or both	Attached

(3) *Monument or panel sign:*

Sign face area (maximum)	60 square feet
Number (maximum)	1 per driveway
Sign design	Carved or channel-styled letters, symbols, and logos permitted. Cabinet signs are permitted provided that letters, symbols, and logos intrude or extrude from sign face at a minimum of 3/8". Changeable copy is limited to 80 percent of sign face
Sign dimensions	Maximum height of six feet and maximum length of 12 feet
Attached/freestanding or both	Freestanding

(4) *Real estate or project sign:*

Sign face area	12 sq. ft. (max)
Number of signs (maximum)	1 per street frontage
Height	6 feet (max)

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Other restrictions	Sign(s) must be removed after sale or project completion
Attached/freestanding or both	Freestanding

(5) *Seasonal or holiday signage:*

Sign face area	Not applicable
Other restrictions	Signage must not be present before or after six weeks of season or holiday
Attached/freestanding or both	Both

(6) *Opinion sign:*

Sign face area	Any sign that can be permitted within the regulations of this subsection may contain a noncommercial message, however, sign(s) must be removed within one week after election or final decision on issue (if applicable)
Number of signs (maximum)	
Other restrictions	
Attached/freestanding or both	

(E) The following signs are permitted in the Conservation (CN) zoning district. All signs, other than holiday signage, shall be illuminated by back lighting (halo or silhouette) or external lighting only.

(1) *Mandatory building identification sign:*

Sign face area	0.5 sq. ft. (min)—8 sq. ft. (max)
Lettering	3 in. (min)—8 in. (max)
Number of signs (maximum)	1 per structure or business
Attached/freestanding or both	Attached

(2) *Monument or panel sign:*

Sign face area (maximum)	60 square feet
Number (maximum)	1 per driveway
Sign design	Carved or channel-styled letters, symbols, and logos permitted. Cabinet signs are permitted provided that letters, symbols, and logos intrude or extrude from sign face at a minimum of 3/8". Changeable copy is limited to 80 percent of sign face
Sign dimensions	Maximum height of six feet and maximum length of 12 feet
Attached/freestanding or both	Freestanding

(3) *Opinion sign:*

Sign face area	Any sign that can be permitted within the regulations of this subsection may contain a noncommercial message, however, sign(s) must be removed within one week after election or final decision on issue (if applicable)
Number of signs (maximum)	
Other restrictions	
Attached/freestanding or both	

Section 90-045. Temporary signs.

(A) A permit as required in Section 05-040 shall be obtained for any temporary sign six square feet or larger in size.

(B) No more than four temporary signs shall be erected per plot for any period of time.

(C) Temporary signs shall not be larger or higher than any permanent sign permitted on the premises where the sign will be located.

(D) No temporary sign shall be placed on public property or in a public ingress/egress easement. Signs placed in violation of this provision shall be considered abandoned and shall be subject to removal without notice by the Town.

(E) Lighting of temporary signs is prohibited.

(F) Unless otherwise stated, temporary signs shall be removed within six months from the date that the sign was erected.

Section 90-050. Promotional signs.

(A) The following promotional signs are permitted in the Commercial Low (CL), Commercial Low Office (CLO), Institutional and Public Facilities (IPF), Parks and Recreation (PR) zoning districts subject to the following standards.

(1) *Balloon sign:*

Sign face area (maximum)	No maximum
Number (maximum)	1 per establishment
Sign dimensions	Maximum height of 25 feet and maximum length (and width) of 24 feet
Attached/freestanding or both	Freestanding

(2) *Banner or pennant sign:*

Sign face area (maximum)	144 square feet
Number (maximum)	4 per establishment
Sign dimensions	Maximum height of 12 feet and maximum length of 48 feet
Attached/freestanding or both	Both

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(3) *Mobile sign:*

Sign face area (maximum)	36 square feet
Number (maximum)	2 per establishment
Sign dimensions	Maximum height and length of eight feet
Other restrictions	Signs shall not block or interfere with any pedestrian or vehicular use areas
Attached/freestanding or both	Freestanding

(B) A permit as required in Section 05-040 shall be obtained for any promotional sign.

(C) No permit shall be issued for a period exceeding 14 consecutive days.

(D) No more than four such permits shall be issued to any one establishment in any one calendar year.

(E) No permit shall be issued for promotional signs within 28 consecutive days of the issuance of any previous promotional sign permit for the same establishment on the same plot.

(F) All promotion signs shall be illuminated by external lighting only.

(G) All promotional signs shall be setback a minimum of 50 feet from any adjacent residential zoning district.

Section 90-055. Billboards.

(A) The Town shall uphold and continue the prohibition on billboards and similar off-site signs instituted by Palm Beach County, however, this prohibition shall not restrict the repair, maintenance, relocation, or replacement of billboards constructed consistent with applicable codes and permit procedures prior to November 15, 1988, and included within the Palm Beach County billboard stipulated settlement agreement and billboard survey (approved February 6, 1996). The stipulated settlement agreement referred to herein shall be the primary source of information for implementing the intent and purpose of the regulations governing billboards and similar off-site signs.

(B) All further rights, responsibilities, exceptions, requirements, and rules concerning the permitting and amortization of billboards and similar off-site signs shall be outlined in Chapter H of Article 8 of the Palm Beach County Code, as amended, and hereby adopted by the Town of Loxahatchee Groves.

Section 90-060. Flags.

Flags in residential zoning districts are permitted up to six feet in area and may be mounted on a flag pole not exceeding 15 feet in height. Flags in non-residential zoning districts are permitted up to 144 feet in area and may be mounted on a flag pole not exceeding 50 feet in height. A maximum of four flags are permitted per each plot of land.

Section 90-065. Landscaping around signage.

All signage shall be surrounded by landscaping which meets the requirements of Section 85-045, "Landscape requirements for interior open space."

Section 90-070. Sign permit requirements.

(A) No permanent sign, promotional sign, billboard, or temporary sign larger than six square feet in area or height, shall be placed or altered on any plot until a permit has been issued by the Town consistent with Section 05-040.

(B) Sign permit applications shall, at a minimum, contain and be accompanied by the following:

- (1) An indication of the specific type of sign and design;
- (2) The address and legal description of the plot where the sign will be located;
- (3) A sign plan, drawn to scale, showing the dimensions, square foot area, sign face, copy, height of letters, height of sign, colors, lighting, and the sign structure;
- (4) The location and type of all other signs on the same plot;
- (5) A copy of the master signage plan for the development, if applicable;
- (6) For building wall signs, the building frontage and height of the building wall, parapet, or facade of the building;
- (7) For window signs, the area of such windows to be used for signs;
- (8) An indication of the landscaping to surround the proposed sign.

(C) Permit issuance. If, upon review, it is determined that an application is in accordance with the provisions of this article, a permit shall be issued in accordance with Section 05-040 of this Code. Fees for permits shall be in accordance with the schedule established by the Town.

(D) Signs erected without permits.

- (1) Signs that were not lawfully permitted and do not comply shall be removed immediately upon receipt of notice from Town Code compliance personnel.
- (2) Signs that were not lawfully permitted but which comply fully with this article shall require a permit within 30 days from receipt of notice from Town Code compliance personnel.

(E) Permit revocation. Permits for signs may be revoked by Town Code compliance personnel if it is determined that any sign fails to comply with the terms of this article and the owner of such sign fails to bring the sign into conformity within 30 days from receipt of any written notice of noncompliance. Revocation of a sign permit shall require removal of the sign in violation.

(F) Permit exemptions. Permits shall not be required for the following signs:

- (1) Temporary signs six feet in area or height or less;

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- (2) Holiday signage;
- (3) Murals;
- (4) Flags;
- (5) Public service signs;
- (6) Traffic control signs;
- (7) Any sign on a plot, or portion of a plot, used as a farm and pertaining to farm activities.

Section 90-075. Nonconforming signs.

(A) Any permanent sign, excluding billboards and similar signs which are governed by Section 90-055, that was legally erected but does not conform to all provisions of this article shall come into compliance within five years of the effective date of these regulations, except that permanent signs must immediately comply should any of the following events transpire:

- (1) A change of copy is required on a sign pertaining to a single entity;
- (2) A change of copy is required for 50 percent or more of a sign pertaining to multiple entities.
- (3) The sign is abandoned as defined in Section 90-010, "Definitions."
- (4) The sign must be relocated for any reason.
- (5) The permit for the sign expires.

(B) Nonconforming signs may be refurbished or repaired provided no structural alterations are involved.

(C) Signs or sign structures which were never lawfully permitted shall not be determined as legally nonconforming signs and shall be subject to immediate removal without the benefit of any amortization period.