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

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

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

TENTATIVE

SUBJECT TO REVISION

PUBLIC NOTICE/AGENDA

Public Comment will be taken after each Agenda item

1. OPENING

a. Call to Order – *Chair Standish*

b. Roll Call – *Town Clerk Eichhorn*

c. Approval of Agenda

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

3. REGULAR AGENDA

a. Old Business

1. Discussion of Agricultural Issues

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

3. Ordinance 2010-002 – Pain Management Clinics

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

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

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

4. ULDC Article 75 – Non-conforming uses

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

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

7. Discussion of ULDC Sign Provisions – Article 90

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

b. New Business

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

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.

Florida's Last Frontier

Town of

LOXAHATCHEE GROVES

UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 2. Minutes of August 15, 2013 (revised) and September 19, 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

TOWN OF LOXAHATCHEE GROVES

Unified Land Development Code Review Committee

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

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

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

MINUTES

1. OPENING

a. Call to Order – *Chair Standish*

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

b. Roll Call – *Town Clerk Eichhorn*

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

c. Approval of Agenda

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

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

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

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

3. REGULAR AGENDA

a. Old Business

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

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

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

Discussion took place.

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

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

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

2. Ordinance 2010-002 – Pain Management Clinics

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

Brief discussion took place.

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

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

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

This item was deferred to the next meeting.

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

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

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

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

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

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

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

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

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

Public Comment

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

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

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

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

MINUTES

1. OPENING

a. Call to Order – *Chair Standish*

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

b. Roll Call – *Town Clerk Eichhorn*

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

c. Approval of Agenda

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

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

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

3. REGULAR AGENDA

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

a. Old Business

1. Discussion of Agricultural Issues

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

- Matrix with definitions in Florida Statutes. This is for reference material and to be used as a reference point when discussing agriculture.

- Florida Map showing all of the bona fide designated properties in the Town and a table summarizing agriculture exemption classifications by the Palm Beach County Property Appraiser. He noted that some portions of properties designated

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

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

Discussion took place.

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

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

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

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

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

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

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

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

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

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

Public Comment:

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

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

Public Comment:

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

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

Further discussion took place.

Public Comment:

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

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

Public comment:

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

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

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

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

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

2. Article 75 – Non-conforming Issues

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

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

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

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

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

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

Public Comment:

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

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

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

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

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

6. Discussion of Residential Enterprise

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

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

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

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

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

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

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

Public Comment:

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

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

Discussion took place.

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

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

b. New Business

1. Discussion of ULDC Sign Provisions – Article 90

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

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

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

3. CLOSING & ADJOURNMENT

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

Susan Eichhorn, Town Clerk

Virginia Standish, Chair

(SEAL)

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

Florida's Last Frontier

Town of

LOXAHATCHEE GROVES

UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 3.a.3. Ordinance 2010-002 Pain Management Clinic

Ordinance from Royal Palm Beach Regarding Pain Clinica

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2010-002

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND/OR RECEIVING OF ANY APPLICATION FOR THE ESTABLISHMENT OF A PAIN MANAGEMENT CLINIC AS DEFINED HEREIN; PROVIDING THAT THE MORATORIUM SHALL BE IN EFFECT FOR A PERIOD WHICH SHALL TERMINATE ON THE EFFECTIVE DATE OF TOWN'S OWN REGULATIONS FOR PAIN MANAGEMENT CLINICS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR REPEAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in the Spring of 2009, the State Attorney's Office for the 17th Judicial Circuit in Broward County, Florida, issued an interim report on "The Proliferation of Pain Clinics in South Florida," in which it set forth the following facts: (i) from August 2008 to November 2009, one (1) new pain clinic is open in Broward and Palm Beach counties every three (3) days, (ii) doctors in Palm Beach County dispensed the second highest volume of Oxycodone units in the country, (iii) in 2008, prescription drugs were attributed to an average of 135 deaths per day in Florida, and (iv) pain clinics are migrating north from Broward County to major metropolitan areas; and

WHEREAS, the Town Council has recently been made aware that a pattern of illegal drug use and distribution has been associated with some pain management clinics in South Florida, which dispense narcotic drugs on-site; and

WHEREAS, news media such as the Miami Herald, the Sun Sentinel, and the Palm Beach Post have published numerous newspaper articles in recent months describing the "pipeline" trafficking drugs from some South Florida pain management clinics to users from other states such as Kentucky, West Virginia and Ohio, including a report in the Palm Beach Post published on December 13, 2009; and

WHEREAS, the threat of illegal narcotic activity and increased crime associated with such clinics is significant and should undermine the economic health of the Town; and

WHEREAS, the Town Administration is directed to analyze the potential effects of pain management clinics in the Town to analyze the criteria for regulations in connection with the issuance of any development permits, business licenses, or approvals for the location of pain management clinics within the Town, and to make recommendations which will better promote the health, safety, morals, and general welfare of the Town; and

WHEREAS, Palm Beach County, and several municipalities within Palm Beach County, have also issued a moratorium for pain management clinics and as a result, in the absence of similar action by the Town, the Town could become a prime location for pain management clinics in Palm Beach County; and

WHEREAS, while Town Administration is undergoing its analysis, and in order to prevent the occurrence during this period of uses which are incompatible with the intent of the Town's zoning and land development regulations, it is necessary to establish a moratorium and zoning in progress which prevents the granting of development permits or approvals for pain management clinics, as defined herein, in the Town, during this period; and

WHEREAS, it is not the intent of this moratorium to interfere with legitimate medical clinics nor the legal use of controlled substances; and

WHEREAS, the Town Council finds and declares a need to temporarily suspend the issuance of permits or approvals for pain management clinics, as defined herein, until such time appropriate regulations can be adopted, to provide for the Town to review zoning and land development regulations in connection with pain management clinics.

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

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. **Legislative Findings of Fact.** The Town Council finds and declares that:

(1) All of the statements set forth in the recitals to this Ordinance are true and correct.

(2) For purposes set forth herein, it is in the best interest of the general public and there exists a need to declare a moratorium on the issuance of permits or approvals for pain management clinics in order for the Town Administration to examine and make recommendations to the Town Council as to potential criteria to be considered for the establishment of pain management clinics.

Section 3. **Intent and Purpose.** It is the purpose and intent of this Ordinance to promote the health and general welfare of the residents of the Town of Loxahatchee Groves through the analysis of any impacts on the Town from pain management clinics, and through consideration of criteria for pain management clinic uses within the Town.

Section 4. **Definition.** "Pain management clinic" means a privately owned pain-management clinic, facility or office, which advertises in any medium for any type of pain-management services, or employs a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and is required to register with the Florida Department of Health pursuant to Sec. 458.309 or Sec. 458.005, Fla. Stat. (2009). A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled

substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer, which persists beyond the usual course of the disease of the injury that is the cause of the pain for more than 90 days after surgery.

Section 5. **Boundaries**. This Ordinance shall be applicable to all properties located within the boundaries of the Town of Loxahatchee Groves.

Section 6. **Zoning in Progress and Moratorium Declared**. The Town Council hereby imposes a zoning in progress and moratorium upon the acceptance of applications and the issuance of permits or approvals for pain management clinics as to any property located in whole or in part within the Town.

Section 7. **Repeal of Ordinance**. This Ordinance shall stand repealed as of the effective date of the land use regulations governing pain management clinics adopted by the Town Council.

Section 8. **Repeal of Laws in Conflict.** All Ordinances or part of Ordinances in conflict herewith are in the same are hereby repealed to the extent of such conflict.

Section 9. **Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 10. **Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __2nd_ DAY OF _____March_____, 2010.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2010-002

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ___16th__ DAY OF ___March_____, 2010.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Ann Harper, Town Clerk

Mayor David Browning

Vice Mayor Dennis Lipp

Council Member Ron Jarriel

APPROVED AS TO LEGAL FORM:

Michael D. Cirullo, Town Attorney

Council Member Ryan Liang

Council Member Jim Rockett

MDC:aw
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ORDINANCE NO. 832

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AMENDING CHAPTER 26. ZONING. TO PROVIDE FOR VARIOUS AMENDMENTS TO THE PREVIOUSLY ADOPTED ZONING CODE; AMENDING ARTICLE II. CONSTRUCTION OF LANGUAGE AND DEFINITIONS. AT SECTION 26-22. DEFINITIONS. BY REPEALING THE DEFINITIONS OF "CLINIC" AND "OFFICE,MEDICAL/DENTAL" AND READOPTING THE DEFINITION OF "CLINIC" AS REVISED IN ORDER TO CLARIFY THIS DEFINITION AND PROVIDE FOR REGULATIONS REGARDING THE DISPENSATION OF CONTROLLED DRUGS FROM A "CLINIC"; AMENDING ARTICLE IV. SUPPLEMENTAL REGULATIONS. BY REPEALING SEC. 26-71. PERFORMANCE STANDARDS. IN ITS ENTIRETY ALONG WITH THE TITLE AND READOPTING IT ALONG WITH ITS TITLE AS NEW SECTION 26-101. AT NEWLY ADOPTED ARTICLE VI. TO BE ENTITLED "PERFORMANCE STANDARDS"; ADOPTING NEW REGULATIONS AT SECTION 26-71. TO BE ENTITLED "ADDITIONAL REGULATIONS FOR CLINICS" IN ORDER TO PROVIDE REGULATIONS REGARDING THE DISPENSATION OF CONTROLLED SUBSTANCES AT A "CLINIC"; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUB-SECTION OF CHAPTER 26. ZONING. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Royal Palm Beach has determined that in the absence of regulations identifying where narcotic drugs and controlled substances may be dispensed, the Villlage's residents, visitors, and businesses are more vulnerable to criminal actions, despite the provision of law enforcement services; and

WHEREAS, the Village Council finds that the illegal sale, use, and delivery of controlled substances is a threat to the health, safety, and welfare of the residents of the Village; and

WHEREAS, the Village Council has recently been made aware by law enforcement and news reports that a pattern of illegal drug use and distribution has been associated with certain pain management clinics in neighboring municipalities, which dispense narcotic drugs and controlled substances on site; and

WHEREAS, the Village Council has determined that a need exists to adopt regulations that identify where narcotic drugs and controlled substances may be dispensed in order to deter criminal activity and promote the public health, safety, and welfare; and

WHEREAS, it is not the intent of this Ordinance to interfere with the legitimate medical use of controlled substances, but rather to prohibit the dispensing of narcotic drugs and controlled substances on site at clinics, to the extent permitted by law; and

WHEREAS, the Village Planning and Zoning Commission sitting as the Village's Local Planning Agency has reviewed these proposed revisions to Chapter 26. and has recommended that these amendments to the Code be adopted by the Village Council; and

WHEREAS, the Village of Royal Palm Beach has held all required public hearings and has provided public notice in accordance with applicable State statutes and Village ordinances; and

WHEREAS, the Village Council has determined that the proposed revisions to Chapter 26. are in the best interests of the general welfare of the Village of Royal Palm Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article II. Construction of Language and Definitions. at Sec. 26-22. Definitions. by repealing the definitions of "Clinic" and "Office, medical /dental" and readopting the definition of "Clinic" as revised; providing that it shall be placed in alphabetical order in the list of definitions and that "Clinic" shall hereafter be defined and read as follows:

Sec. 26-22. Definitions.

Clinic. ~~A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilites.~~ A facility providing health care services to the public who are not admitted overnight by physicians, dentists, chiropractors, surgeons, osteopaths, physical therapists, nurses, acupuncturists, podiatrists, optometrists, psychiatrists (all of whom are known herein as health care practitioners), or others who are duly licensed and recognized to practice their respective medical or dental profession in the State of Florida, as well as others, including, but not limited to, technicians and assistants who are acting under the supervision and control of a licensed health care practitioner. The uses of "office, medical/dental" and "Office, business or professional ie. dentists, physicians" are also considered as a "clinic" pursuant to this definition and for the purpose of being subject to further regulations for "clinics" as set forth at Sec. 26-71.

~~*Office, medical/ dental.* An office as defined hereinabove where patients who are not admitted overnight, are examined or treated by persons practicing medicine or providing healthcare services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such healthcare professionals licensed and recognized in the state.~~

(All remaining definitions shall remain as previously adopted.)

Section 2: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended at Article IV. Supplemental Regulations. at Sec. 26-71. *Performance Standards*. by repealing this section in its entirety along with its title in order to readopt and relocate in its entirety these regulations pursuant to Section 3. of this ordinance hereinbelow at newly adopted Article VI. in Chapter 26.; and adopting an entirely new Sec. 26-71. to be entitled "*Additional regulations for Clinics*"; providing that Sec. 26-71. shall hereafter read as follows:

Sec. 26-71. Additional Regulations for Clinics.

Clinics shall be subject to the following additional regulations regardless of zoning district:

(a) On-site dispensing of controlled substances that are identified in Schedules II, III, or IV in Sections 893.03, 893.035, or 893.0356, *Florida Statutes*, is strictly prohibited, unless otherwise expressly permitted by statutory or general law. However, the following instances of on-site dispensing of such controlled substances are exempt from this prohibition, regardless if they occur inside a clinic or outside a clinic as such is defined in this Code:

(1) A health care practitioner when administering a controlled substance directly to a patient if the amount of the controlled substance is adequate to treat the patient during that particular treatment session.

(2) A pharmacist or health care practitioner when administering a controlled substance to a patient or resident receiving care as an in-patient or out-patient at a hospital, nursing home, ambulatory surgical center, hospice, or intermediate care facility for the developmentally disabled which is licensed by the state.

(3) A health care practitioner when administering a controlled substance in the emergency room of a licensed hospital or at a facility licensed to provide emergency care on an out-patient basis for walk-in patients.

(4) A health care practitioner when administering or dispensing a controlled substance to a person under the age of 16.

(5) A health care practitioner when dispensing a one-time, 72-hour emergency supply of a controlled substance to a patient.

(b) Additionally, the health care practitioner responsible for the operation or supervision of any clinic shall execute an affidavit acknowledging the regulations set forth hereinabove prior to payment of the required business tax, and annually thereafter upon renewal of same prior to the issuance of a business tax receipt. Failure or refusal to execute the required

affidavit shall constitute prima facie evidence that the subject clinic is operating in violation of the code of ordinances, which may result in code enforcement action, revocation of business tax receipt, and/or any other actions permitted by law.

Section 3: Chapter 26. Zoning. of the Code of Ordinances of the Village of Royal Palm Beach is hereby amended by adopting an entirely new Article VI. to be entitled "Performance Standards" and adopting an entirely new Sec. 26-101. to be entitled "Performance Standards"; providing that newly adopted Article VI. shall hereafter read as follows:

ARTICLE VI. PERFORMANCE STANDARDS

Sec. 26-101. Performance standards.

(All sections and subsections of former Sec.26-71. Performance Standards., having been repealed by Section 2. of this ordinance hereinabove, shall be readopted and relocated in their entirety to newly adopted Article VI. at new Section 26-101. Performance Standards.)

Section 4: Each and every other Section and Sub-section of Chapter 26. Zoning. shall remain in full force and effect as previously enacted.

Section 5: All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 6: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 7: Specific authority is hereby granted to codify this Ordinance.

Section 8: This Ordinance shall take effect immediately upon passage.

FIRST READING this 1st day of April, 2010.

SECOND AND FINAL READING this 15th day of April, 2010.

VILLAGE OF ROYAL PALM BEACH

MATTY MATTIOLI, MAYOR
(Seal)

ATTEST:

DIANE DISANTO, VILLAGE CLERK

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Florida's Last Frontier

Town of

LOXAHATCHEE GROVES

UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 3.a.4. Article 75 – Non-conforming uses

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 the these regulations, as may be amended from time to time. The existence of uses and structures, as well as their legality and their conformity to the Palm Beach County Unified Land Development Code as of October 1, 2006, shall be subject to verification by the Town Council, and the burden of proof shall be borne by the property owner. If, however, such use is abandoned for a period of 180 consecutive days or more, the use of the property shall be required to conform to all other provisions of these regulations.

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.

(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.

Florida's Last Frontier

Town of

LOXAHATCHEE GROVES

UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 3.a.5. Article 87 – Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal

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

Plant Maintenance—Standard Practices" by the American National Standards Institute, "Grades and Standards for Nursery Plants—Parts I and II" by the Florida Department of Agriculture, and Chapter 62 of the Florida Administrative Code.

Agriculture, bona fide. Bona fide agriculture are those uses conducted on lands which are engaged in farming as defined in F.S. § 823.14(3).

Clear trunk. The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.

Champion tree. A champion tree is the largest tree of its species within the state as recognized by the Florida Department of Agriculture's Division of Forestry based on trunk circumference, vertical tree height, and average crown spread.

Crown spread. The average distance of the diameter of the extent of the upper portion of a tree, consisting of limbs, branches, and leaves.

Diameter breast height (DBH). The diameter, in inches, of the trunk of a tree measured at a height of four and one-half feet above the natural grade (breast height). The DBH of trees with multiple trunks shall be the sum of the individual trunk diameters at breast height. Trees with less than four and one-half feet of clear trunk shall be measured as the diameter of the largest vertical branch or leader at breast height.

Effectively destroy. To purposefully cause, suffer, allow, or permit any act which will cause a tree to die or go into a period of unnatural decline within a period of one year from the date of the act. Destruction by naturally occurring diseases, or acts of nature such as storm events or lighting strikes are not considered purposeful acts of destruction. Examples of such acts may include but are not limited to:

(1) Girdling of trees by improper guying, staking, support, string trimmers, or non-removal of planting materials from root balls and uncontrollable livestock.

(2) Introduction of any type of poison or reactive material for the purpose of causing the tree to die or become diseased.

(3) Placement of excess materials or soils within the tree drip line causing the death or disease of the tree.

(4) Peeling or stripping of bark to the extent that if a line is drawn at any height around the circumference of the tree, over one-third of the length of the line falls on portions of the tree where bark no longer remains.

(5) Removal of the majority or near entirety of canopy.

Invasive non-native vegetation. For the purposes of this article, only those species included but not limited to those identified in F.S. § 369.251 shall be recognized as invasive non-native vegetation within the Town.

Land clearing. The removal of trees, shrubs, and/or undergrowth by stripping or any other process, with the intention of preparing real property for development, as defined in F.S.

§ 380.04. 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

required for building accessory structures on residential property is exempted from requiring a permit. Traversing a jurisdictional wetland requires approval from the applicable agency.

(3) The removal of dead and hazard trees that constitutes a peril to life or property.

(4) Wetland mitigation or enhancement activities conducted pursuant to a permit from the South Florida Water Management District or the Florida Department of Environmental Protection under Chapter 62-312, F.A.C. as amended.

(5) Alteration of vegetation pursuant to an adopted management plan for government maintained parks, recreation areas, wildlife management areas, conservation areas and preserves, excluding new construction or parcel improvement.

(6) Pruning of all trees in accordance with the American National Standards Institute (ANSI) A300, to allow for healthy growth, to promote safety, and to remove dead or hazard trees.

(7) Routine maintenance mowing operations or "bush hog" type mowing operations in areas that are regularly maintained.

(8) Pruning and removal of vegetation within a utility easement, for maintenance and where the vegetation is interfering with services provided by a utility. Including public utility, water control, water management, and road right-of-way activities within utility and drainage easements.

(9) The necessary minimal removal of vegetation by, or at the direction of, a State of Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test.

(10) Management activities in areas designated by deed restriction, plat, restrictive covenant, or conservation easement dedicated to a public entity or approved private conservation group for preservation provided the activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences; and the preserve area has a preserve management plan approved by the Town, or another governmental entity.

(11) Selective tree removal for forest management activities as defined in the current Forest Management Plan as approved by the State of Florida Division of Forestry.

(12) Removal of vegetation certified by the Florida Department of Forestry or PBC Fire Rescue such that a 30-foot buffer should be cleared around designated structures through the Fire Wise program.

(13) Removal or trimming of non-native and invasive vegetation.

(14) Routine landscape maintenance activities such as edging, hedge trimming, and on-going gardening operations.

(D) *Prohibited activities.* The purposeful planting or installation and cultivation of vegetation identified as invasive non-native vegetation is prohibited.
(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.

(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

to stabilize disturbed surfaces, as well as the removal of vegetation resulting in on-site or off-site erosion (sedimentation or siltation or both) or the windblown loss of soil shall be deemed a violation of this article.

(D) *Vacant land standards.* The speculative removal of native vegetation in advance of parcel improvement on vacant lands is not consistent with the goals of this article. However, certain conditions can provide assurances that parcel improvement will proceed in good faith. A general permit will not be issued by the Town in advance of issuance of a land development permit or building permit unless the following is provided:

(1) Evidence that the anticipated work for which the land clearing permit is sought shall commence within one year of issuance of the general permit;

(2) A performance guarantee in an amount equal to 110 percent of the cost to restore native vegetation on the parcel in the event that improvement of the parcel is abandoned or the permits expired. Deposits should be refunded upon completion of the structure to allow purchaser to buy the trees. CO will be withheld until trees are purchased.

a. The performance guarantee shall be executed by a person with a bona fide legal interest in the parcel.

b. Two estimates of the cost to restore native vegetation on the parcel may be required for purposes of establishing the applicable amount of the performance guarantee.

c. The form of guarantee shall be:

1. A cash deposit or certificate of deposit assigned to the Town; or

2. An escrow agreement for the benefit of the Town, in a form satisfactory to the Town Attorney and approved by the Town Council; or

3. A performance bond issued by a State of Florida registered guarantee company in a form satisfactory to the Town Attorney and approved by the Town Council; or

4. An irrevocable letter of credit in a form satisfactory to the Town Attorney and approved by the Town Council.

(3) The performance guarantee shall be kept in full force until authorized site improvements commence on the parcel and any required tree mitigation is installed.

(4) The vacant land standards of this section only apply to general permit activities.

(5) Parcels of vacant land shall be allowed to remove overgrown herbaceous understory vegetation to preserve tree canopy in areas where natural fire has been suppressed and where a prescribed burn would not be feasible. No healthy trees that have six inches DBH or greater are to be removed or damaged.

(E) *Off-site tree relocation.* Re-locatable native vegetation that cannot be incorporated into the parcel may be relocated off-site. An applicant requesting off-site relocation shall provide reasonable evidence that on-site planting is not feasible.

(1) An applicant conducting tree relocation shall provide a tree relocation management plan which shall include, but not be limited to, the relocation schedule and likelihood of success for each relocated tree, installation location of each relocated tree, identification and size of each relocated tree, and the replacements required pursuant to Table A-2. Tree Replacement per this article to be implemented if the relocated material does not survive for a period of at least one year from the date of relocation.

(2) An applicant conducting tree relocation shall provide irrigation, mulch, and other practical means to assist the survival of any relocated tree.

(3) The Town shall retain jurisdiction to ensure compliance with any tree replacement required by this subsection.

(4) All off-site relocation requires approval by the Town Council.

(5) Off-site relocation shall optimally be placed in or adjacent to a public park parcel or a preserve or mitigation area.

(6) All off-site relocation shall be located within the Town or the Town needs to be compensated for tree loss. Exceptions are permitted at the discretion of the Town Council.

(F) *Debris disposal.* Every effort shall be made by the landowner to minimize the amount of land clearing debris deposited in a landfill. Mulching or other appropriate utilization should be pursued whenever feasible.

(1) The Town may include permit conditions for vegetation debris disposal by open burning, but the conditions shall not be in conflict with required burn permits from jurisdictional agencies.

(2) The burying of rubbish, logs, lumber, underbrush or other organic matter and materials from pruning, clearing or grubbing operations which would decompose or allow the land to thereafter settle is determined to be change or modification of the grade of the land and is not authorized under this article.

(3) All felled materials shall be promptly and carefully removed in such a manner as to avoid potential damage to remaining trees and vegetation, the harboring of insects or promotion of disease, the harboring of rodents or undesirable wildlife, or increases in fire hazards.

(G) *Pruning standards.* Trees intended for shade purposes shall be allowed to reach mature canopy. Acts, which effectively destroy a tree exclusive of invasive trees, are a violation of this article.

(H) *Champion tree standards.* Notwithstanding any other provisions of this article, champion or co-champion trees, as recognized by the Florida Department of Agriculture's Division of Forestry, shall not be removed except for extraordinary circumstances and hardships. Removal of any champion or co-champion or specimen tree shall require Town Council approval.

(I) *External agency standards.* The applicant is responsible for obtaining all required permits and authorizations from external agencies having jurisdiction for the proposed work; including, but not limited to:

(1) Prior to applying for a permit from the Town, the applicant must obtain all required permits and authorizations from external agencies having jurisdiction for the proposed work.

(2) The property owner is subject to and must ensure compliance to the water quality rules and standards as set forth in Chapter 62.302, of the Florida Administrative Code (F.A.C.). When applicable, the property owner shall obtain any required environmental resource permit from the South Florida Water Management District or the Florida Department of Environmental Protection.

(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.

(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

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

article, the Town may issue a cease and desist order or require that a building permit or Certificate of Occupancy be withheld. A violation of this article shall be punishable by one or more of the following:

(1) Up to quadruple permit fees for violations involving activities conducted without a valid permit that may otherwise have been permitted;

(2) Up to quadruple permit modification fees for activities conducted with a valid permit that are inconsistent with the stated permit conditions and result in a need to modify the existing permit;

(3) Any applicable remedies under F.S. chs. 166 and 162, as may be amended from time to time, including without limitation daily fines of up to $250.00 per day for an initial violation and $500.00 per day for repeat violators;

(4) A fine of up to $5,000.00 per tree when a tree is effectively destroyed, and up to $10,000.00 per tree for champion trees that are effectively destroyed;

(5) Remedial actions to restore the property to pre-violation conditions;

(6) The Town may take any other appropriate legal action including, but not limited to, administration actionand the issuance of temporary and permanent injunctions to enforce the provisions of this article;

(7) Costs of enforcement; and

(8) On-site mitigation pursuant to this article.

(C) *Violation fees.* Violation fees may be required as established by Resolution of the Town Council. All monies collected as civil penalties for violations of this article shall be paid to the Town of Loxahatchee Groves for the Loxahatchee Groves Tree Mitigation Trust Fund.
(Ord. No. 2010-008, § 2(Exh. A, § 8), 10-5-2010)

Florida Exotic Pest Plant Council's 2011 List of Invasive Plant Species

Purpose of the List: *To focus attention on —*

- the adverse effects exotic pest plants have on Florida's biodiversity and native plant communities,
- the habitat losses in natural areas from exotic pest plant infestations,
- the impacts on endangered species via habitat loss and alteration,
- the need for pest-plant management,
- the socio-economic impacts of these plants (e.g., increased wildfires or flooding in certain areas),
- changes in the severity of different pest plant infestations over time,
- providing information to help managers set priorities for research and control programs.

CATEGORY I

Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. *This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.*

Scientific Name	Common Name	FLEPPC Cat.	Gov. List	Reg. Dist.
Abrus precatorius	rosary pea	I	N	C, S
Acacia auriculiformis	earleaf acacia	I		C, S
Albizia julibrissin	mimosa, silk tree	I		N, C
Albizia lebbeck	woman's tongue	I		C, S
Ardisia crenata (*A. crenulata* misapplied)	coral ardisia	I		N, C, S
Ardisia elliptica (*A. humilis* misapplied)	shoebutton ardisia	I	N	C, S
Asparagus aethiopicus (*A. sprengeri; A. densiflorus* misapplied)	asparagus-fern	I		N, C, S
Bauhinia variegata	orchid tree	I		C, S
Bischofia javanica	bishopwood	I		C, S
Calophyllum antillanum (*C. calaba* and *C. inophyllum* misapplied)	santa maria, mast wood, Alexandrian laurel	I		S
Casuarina equisetifolia	Australian-pine, beach sheoak	I	P, N	N, C, S
Casuarina glauca	suckering Australian-pine, gray sheoak	I	P, N	C, S
Cinnamomum camphora	camphor tree	I		N, C, S
Colocasia esculenta	wild taro	I		N, C, S
Colubrina asiatica	lather leaf	I	N	S
Cupaniopsis anacardioides	carrotwood	I	N	C, S
Deparia petersenii	Japanese false spleenwort	I		N, C
Dioscorea alata	winged yam	I	N	N, C, S
Dioscorea bulbifera	air-potato	I	N	N, C, S
Eichhornia crassipes	water-hyacinth	I	P	N, C, S
Eugenia uniflora	Surinam cherry	I		C, S
Ficus microcarpa (*F. nitida* and *F. retusa* var. *nitida* misapplied)[1]	laurel fig	I		C, S
Hydrilla verticillata	hydrilla	I	P, U	N, C, S
Hygrophila polysperma	green hygro	I	P, U	N, C, S
Hymenachne amplexicaulis	West Indian marsh grass	I		N, C, S
Imperata cylindrica (*I. brasiliensis* misapplied)	cogon grass	I	N, U	N, C, S
Ipomoea aquatica	water-spinach	I	P, U	C
Jasminum dichotomum	Gold Coast jasmine	I		C, S
Jasminum fluminense	Brazilian jasmine	I		C, S
Lantana camara (= *L. strigocamara*)	lantana, shrub verbena	I		N, C, S
Ligustrum lucidum	glossy privet	I		N, C
Ligustrum sinense	Chinese privet, hedge privet	I		N, C, S
Lonicera japonica	Japanese honeysuckle	I		N, C, S
Ludwigia peruviana	Peruvian primrosewillow	I		N, C, S
Lumnitzera racemosa	kripa; white-flowered mangrove; black mangrove	I		S
Luziola subintegra	Tropical American water grass	I		S
Lygodium japonicum	Japanese climbing fern	I	N	N, C, S
Lygodium microphyllum	Old World climbing fern	I	N, U	C, S

[1]Does not include *Ficus microcarpa* subsp. *fuyuensis*, which is sold as "Green Island Ficus"

FLEPPC List Definitions:

Exotic – a species introduced to Florida, purposefully or accidentally, from a natural range outside of Florida.

Native – a species whose natural range includes Florida.

Naturalized exotic – an exotic that sustains itself outside cultivation (it is still exotic; it has not "become" native).

Invasive exotic – an exotic that not only has naturalized, but is expanding on its own in Florida native plant communities.

Abbreviations:

Government List (Gov. List):
P = Prohibited aquatic plant by the Florida Department of Agriculture and Consumer Services;

N = Noxious weed listed by Florida Department of Agriculture & Consumer Services;

U = Noxious weed listed by U.S. Department of Agriculture.

Regional Distribution (Reg. Dist.):
N = north, C = central, S = south, referring to each species' current distribution in general regions of Florida (not its potential range in the state). Please refer to the map below.

Changes to the 2011 List:

New Listings to Category I:

Deparia petersenii
(Japanese false spleenwort)
Documented in numerous near exotic-free ravines in the central panhandle, it is displacing native flora and likely insect populations because it forms extremely dense colonies. Documented in seven Florida counties.

Lumnitzera racemosa
(black mangrove)
This Asian mangrove has spread abundantly following plantings at Fairchild Tropical Botanical Garden in Miami-Dade County between 1966 and 1971. The species subsequently spread into mangrove forests at Fairchild and the adjacent Matheson Hammock Park, infesting 19 acres with stem densities exceeding that of native mangrove species. Looks very similar to the protected native white mangrove (*Laguncularia racemosa*).

Phymatosorus scolopendria
(serpent fern, wart fern)
This fern, native to tropical Asia, Africa, and Polynesia, has been documented naturalizing in three south Florida counties. It is invading rockland hammocks and forested wetlands where it displaces native understory species including endangered ferns.

New Listings to Category II:

Ardisia japonica (Japanese ardisia)
Ardisia japonica is a plant species from Japan. Thirteen populations have been located in San Felasco Hammock in Alachua County, two more at the Loblolly Nature Center in Gainesville, and another one containing 3,000 to 4,000 plants in Florida Caverns State Park in the Florida panhandle. All of the infestations are in undisturbed mature upland hardwood forest with healthy, diverse ground cover that is displaced as it spreads by underground rhizomes. Fruits collected from these populations produced viable seedlings.

Scientific Name	Common Name	FLEPPC Cat.	Gov. List	Reg. Dist.
Macfadyena unguis-cati	cat's claw vine	I		N, C, S
Manilkara zapota	sapodilla	I		S
Melaleuca quinquenervia	melaleuca, paper bark	I	P, N, U	C, S
Melinis repens (= *Rhynchelytrum repens*)	Natal grass	I		N, C, S
Mimosa pigra	catclaw mimosa	I	P, N, U	C, S
Nandina domestica	nandina, heavenly bamboo	I		N, C
Nephrolepis brownii (= *N. multiflora*)	Asian sword fern	I		C, S
Nephrolepis cordifolia	sword fern	I		N, C, S
Neyraudia reynaudiana	Burma reed, cane grass	I	N	S
Nymphoides cristata	snowflake	I		C, S
Paederia cruddasiana	sewer vine, onion vine	I	N	S
Paederia foetida	skunk vine	I	N	N, C, S
Panicum repens	torpedo grass	I		N, C, S
Pennisetum purpureum	Napier grass	I		N, C, S
Phymatosorus scolopendria	serpent fern, wart fern	I		S
Pistia stratiotes	water-lettuce	I	P	N, C, S
Psidium cattleianum (= *P. littorale*)	strawberry guava	I		C, S
Psidium guajava	guava	I		C, S
Pueraria montana var. *lobata* (= *P. lobata*)	kudzu	I	N	N, C, S
Rhodomyrtus tomentosa	downy rose-myrtle	I	N	C, S
Rhynchelytrum repens (See *Melinis repens*)				
Ruellia simplex[2]	Mexican petunia	I		N, C, S
Salvinia minima	water spangles	I		N, C, S
Sapium sebiferum (= *Triadica sebifera*)	popcorn tree, Chinese tallow tree	I	N	N, C, S
Scaevola taccada (= *Scaevola sericea*, *S. frutescens*)	scaevola, half-flower, beach naupaka	I	N	C, S
Schefflera actinophylla (= *Brassaia actinophylla*)	schefflera, Queensland umbrella tree	I		C, S
Schinus terebinthifolius	Brazilian-pepper	I	P, N	N, C, S
Scleria lacustris	Wright's nutrush	I		C, S
Senna pendula var. *glabrata* (= *Cassia coluteoides*)	climbing cassia, Christmas cassia, Christmas senna	I		C, S
Solanum tampicense (= *S. houstonii*)	wetland nightshade, aquatic soda apple	I	N, U	C, S
Solanum viarum	tropical soda apple	I	N, U	N, C, S
Syngonium podophyllum	arrowhead vine	I		N, C, S
Syzygium cumini	jambolan plum, Java plum	I		C, S
Tectaria incisa	incised halberd fern	I		S
Thespesia populnea	seaside mahoe	I		C, S
Tradescantia fluminensis	small-leaf spiderwort	I		N, C
Urena lobata	Caesar's weed	I		N, C, S
Urochloa mutica (= *Brachiaria mutica*)	Para grass	I		C, S

CATEGORY II

Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. *These species may become ranked Category I, if ecological damage is demonstrated.*

Scientific Name	Common Name	FLEPPC Cat.	Gov. List	Reg. Dist
Adenanthera pavonina	red sandalwood	II		S
Agave sisalana	sisal hemp	II		C, S
Aleurites fordii (= *Vernicia fordii*)	tung oil tree	II		N, C
Alstonia macrophylla	devil tree	II		S
Alternanthera philoxeroides	alligator weed	II	P	N, C, S
Antigonon leptopus	coral vine	II		N, C, S
Ardisia japonica	Japanese ardisia	II		N
Aristolochia littoralis	calico flower	II		N, C, S
Asystasia gangetica	Ganges primrose	II		C, S
Begonia cucullata	wax begonia	II		N, C, S

[2]Many names are applied to this species in Florida because of a complicated taxonomic and nomenclatural history. Plants cultivated in Florida, all representing the same invasive species, have in the past been referred to as *Ruellia brittoniana, R. tweediana, R. caerulea,* and *R. simplex*.

Scientific Name	Common Name	FLEPPC Cat.	Gov. List	Reg. Dist.
Blechum pyramidatum (see *Ruellia blechum*)				
Broussonetia papyrifera	paper mulberry	II		N, C, S
Bruguiera gymnorrhiza	large-leaved mangrove	II		S
Callisia fragrans	inch plant, spironema	II		C, S
Callistemon viminalis (= *Melaleuca viminalis*)	bottlebrush, weeping bottlebrush	II		C, S
Casuarina cunninghamiana	river sheoak, Australian-pine	II	P	C, S
Cecropia palmata	trumpet tree	II		S
Cestrum diurnum	day jessamine	II		C, S
Chamaedorea seifrizii	bamboo palm	II		S
Clematis terniflora	Japanese clematis	II		N, C
Cocos nucifera	coconut palm	II		S
Cryptostegia madagascariensis	rubber vine	II		C, S
Cyperus involucratus (*C. alternifolius* misapplied)	umbrella plant	II		C, S
Cyperus prolifer	dwarf papyrus	II		C, S
Dactyloctenium aegyptium	Durban crowfootgrass	II		N, C, S
Dalbergia sissoo	Indian rosewood, sissoo	II		C, S
Elaeagnus pungens	silverthorn, thorny olive	II		N, C
Elaeagnus umbellata	silverberry, autumn olive	II		N
Epipremnum pinnatum cv. Aureum	pothos	II		C, S
Ficus altissima	false banyan, council tree	II		S
Flacourtia indica	governor's plum	II		S
Hemarthria altissima	limpo grass	II		C, S
Hibiscus tiliaceus (See *Talipariti tiliaceum*)				
Hyparrhenia rufa	jaragua	II		N, C, S
Ipomoea carnea ssp. *fistulosa* (= *I. fistulosa*)	shrub morning-glory	II	P	C, S
Kalanchoe pinnata (= *Bryophyllum pinnatum*)	life plant	II		C, S
Koelreuteria elegans ssp. *formosana* (= *K. formosana; K. paniculata* misapplied)	flamegold tree	II		C, S
Landoltia punctata (= *Spirodela punctata*)	Spotted duckweed	II		N, C, S
Leucaena leucocephala	lead tree	II	N	N, C, S
Limnophila sessiliflora	Asian marshweed	II	P, U	N, C, S
Livistona chinensis	Chinese fan palm	II		C, S
Melia azedarach	Chinaberry	II		N, C, S
Melinis minutiflora	Molassesgrass	II		C,S
Merremia tuberosa	wood-rose	II		C, S
Mikania micrantha	mile-a-minute vine	II	N, U	S
Murraya paniculata	orange-jessamine	II		S
Myriophyllum spicatum	Eurasian water-milfoil	II	P	N, C, S
Panicum maximum (= *Urochloa maxima, Megathyrsus maximus*)	Guinea grass	II		N, C, S
Passiflora biflora	two-flowered passion vine	II		S
Pennisetum setaceum	green fountain grass	II		S
Phoenix reclinata	Senegal date palm	II		C, S
Phyllostachys aurea	golden bamboo	II		N, C
Pittosporum pentandrum	Philippine pittosporum, Taiwanese cheesewood	II		S
Pteris vittata	Chinese brake fern	II		N, C, S
Ptychosperma elegans	solitaire palm	II		S
Rhoeo spathacea (see *Tradescantia spathacea*)				
Ricinus communis	castor bean	II		N, C, S
Rotala rotundifolia	roundleaf toothcup, dwarf Rotala, redweed	II		S
Ruellia blechum	green shrimp plant, Browne's blechum	II		N, C, S
Sansevieria hyacinthoides	bowstring hemp	II		C, S
Sesbania punicea	purple sesban, rattlebox	II		N, C, S
Solanum diphyllum	two-leaf nightshade	II		N, C, S

Bruguiera gymnorrhiza
(large-leaved mangrove)
This mangrove from the Old World tropics is established at the Kampong, a botanical garden in Miami-Dade County where it was planted in 1940. The leaves and propagules of this species bear a strong resemblance to the native red mangrove (*Rhizophora mangle*). In a 2008 survey it was found naturalized in mangrove forest on the property, where 86 individuals were observed and recruitment rates were higher than for native species. There is a strong chance that it will disperse to other nearby mangrove forests.

Cocos nucifera (coconut palm)
Coconut palm, ubiquitous along Florida's coastlines, is thought to be native to the Malay Peninsula or the South Pacific. This species has been found invading beach dune and coastal grassland communities in extreme south Florida and the Florida Keys. Plants form thick clusters and shed leaves that form dense layers on the ground, displacing native species. Impacted species include the federally threatened Garber's spurge (*Chamaesyce garberi*) in the Cape Sable area of Everglades National Park and nickerbean (*Caesalpinia bonduc*), the host plant for the endangered Miami Blue butterfly at Bahia Honda State Park.

Mikania micrantha
(mile-a-minute vine)
This vine of the American tropics is listed on the Federal Noxious Weed List because of invasiveness in other tropical regions. *M. micrantha* was first observed in Florida in 2008 in Miami-Dade County. It has since been observed at over two dozen sites throughout the Redland area of Miami-Dade County. It is primarily associated with agricultural sites, particularly container nurseries and tree farms, but has been found within the interiors of two rockland hammock fragments. It is a threat to other natural areas in Miami-Dade County, and poses a very high risk of dispersing to other counties.

Syzygium jambos
(Malabar plum, rose apple)
This species was downgraded from the Category II list in 2009 because of a lack of data in EDDMapS, herbaria, and observations of committee members. However, data compiled by FNAI shows 62 records in 9 counties in mesic and wet flatwoods, basin and floodplain wetlands. It has been reinstated as a Category II.

Category Changes

Jasminum sambac and ***Solanum jamaicense*** removed from Category II based on lack of data in natural areas. ***Urena lobata*** moved from Category II to Category I.

Use of the FLEPPC List

The FLEPPC List of Invasive Plant Species is not a regulatory list. Only those plants listed as Federal Noxious Weeds, Florida Noxious Weeds or in local ordinances are regulated by law. FLEPPC encourages use of the Invasive Species List for prioritizing and implementing management efforts in natural areas, for educating lay audiences about environmental issues, and for supporting voluntary invasive plant removal programs. For more information on using the FLEPPC List of Invasive Plant Species, see *Wildland Weeds* Summer 2002 issue (Vol. 5, No. 3), pp. 16-17, or http://www.fleppc.org/list/list.htm

NOTE: Not all exotic plants brought into Florida become pest plants in natural areas. The FLEPPC List of Invasive Plant Species represents only about 11% of more than 1,400 exotic species that have been introduced into Florida and have subsequently established outside of cultivation. Most escaped exotics usually present only minor problems in highly disturbed areas (such as roadsides). And there are other exotics cultivated in Florida that are "well-behaved" — that is, they don't escape cultivation at all.

www.fleppc.org

Scientific Name	Common Name	FLEPPC Cat.	Gov. List	Reg. Dist.
Solanum torvum	susumber, turkey berry	II	N, U	N, C, S
Sphagneticola trilobata (= *Wedelia trilobata*)	wedelia	II		N, C, S
Stachytarpheta cayennensis (= *S. urticifolia*)	nettle-leaf porterweed	II		S
Syagrus romanzoffiana (= *Arecastrum romanzoffianum*)	queen palm	II		C, S
Syzygium jambos	Malabar plum, rose-apple	II		N, C, S
Taliparíti tiliaceum (= *Hibiscus tiliaceus*)	mahoe, sea hibiscus	II		C, S
Terminalia catappa	tropical-almond	II		C, S
Terminalia muelleri	Australian-almond	II		C, S
Tradescantia spathacea (= *Rhoeo spathacea, Rhoeo discolor*)	oyster plant	II		S
Tribulus cistoides	puncture vine, burr-nut	II		N, C, S
Vitex trifolia	simple-leaf chaste tree	II		C, S
Washingtonia robusta	Washington fan palm	II		C, S
Wedelia (see *Sphagneticola* above)				
Wisteria sinensis	Chinese wisteria	II		N, C
Xanthosoma sagittifolium	malanga, elephant ear	II		N, C, S

Citation example:
FLEPPC. 2011. List of Invasive Plant Species. Florida Exotic Pest Plant Council. Internet: http://www.fleppc.org/list/11list.htm or *Wildland Weeds* Vol. 14(3-4):11-14. Summer/Fall 2011.

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FLEPPC Database – The Florida Exotic Pest Plant Database contains over 211,000 sight records of infestations of FLEPPC Category I and Category II species in Florida public lands and waters. 143 species are recorded. Nearly all of the records are from local, state, and federal parks and preserves; a few records document infestations in regularly disturbed public lands such as highways or utility rights-of-way. Natural area managers and other veteran observers of Florida's natural landscapes submit these records, with many supported further by voucher specimens housed in local or regional herbaria for future reference and verification. New and updated observations can be submitted online at www.eddmaps.org/florida/. This database, along with other plant data resources such as the University of South Florida Atlas of Florida Vascular Plants at www.plantatlas.usf.edu, the Florida Natural Areas Inventory database at www.fnai.org, and The Institute for Regional Conservation Floristic Inventory of South Florida database at www.regionalconservation.org, provides important basic supporting information for the FLEPPC List of Invasive Plant Species.

Images of FLEPPC-listed species may be found at one or more of the following websites: University of South Florida Atlas of Florida Vascular Plants, www.plantatlas.usf.edu; the University of Florida Herbarium collection catalog, http://www.flmnh.ufl.edu/herbarium/cat/, and image gallery, http://www.flmnh.ufl.edu/herbarium/cat/imagesearch.asp; at Fairchild Tropical Botanic Garden's Virtual Herbarium, www.virtualherbarium.org/vhportal.html, The Robert K. Godfrey Herbarium at Florida State University, http://herbarium.bio.fsu.edu/index.php; the University of Florida's IFAS Center for Aquatic and Invasive Plants, http://plants.ifas.ufl.edu, and the USDA PLANTS database, http://plants.usda.gov/. Please note that greater success and accuracy in searching for plant information is likely if you search by scientific name rather than common name. Common names often vary in cultivation and across regions.

	Comments:	An aggressive invader of wetlands and floodplains. Should be eliminated whenever located.
Solanum viarum		Tropical soda apple
	Treatment:	Hand pull and destroy individual plants when practical. Foliar: 1% Garlon 4, 3% Roundup, 0.5% Arsenal, or 5-7 ounces Milestone/acre. Milestone (7 ounces/acre) provides residual control of seedlings.
	Comments:	Destroy fruit and treat plants immediately after detection. Spreads extremely fast. Livestock and wild animals eat fruits and readily disperse seed. For additional information see IFAS publication SS-AGR-58.
VERBENACEAE (Verbena Family)		
Lantana camara		Shrub verbena; Lantana
	Treatment:	Basal bark: 10% Garlon 4. Cut stump: 50% Garlon 3A or 10% Garlon 4.
	Comments:	Shrub with prickly stems and branches; multi-colored flower heads; ripe fruit blue; green unripe fruit highly toxic if eaten; this exotic species should be controlled to help avoid hybridization with the endemic *Lantana depressa*; typically a plant of roadsides and other disturbed sites but also invades pineland as well as hammock margins; numerous cultivars exist in the nursery trade.

Table 5. Appendix A: Common Names and Botanical Family Names

Common Name	**Botanical Family Name**
Air-potato	Dioscoreaceae
Air yam	Dioscoreaceae
Ardisia	Myrsinaceae
Arjun tree	Combretaceae
Asian colubrina	Rhamnaceae
Australian pine	Casuarinaceae
Bamboo palm	Arecaceae
Bamboo piper	Piperaceae
Banyan fig	Moraceae
Beach naupaka	Goodeniaceae

Beefwood	Casuarinaceae
Bishopwood	Euphorbiaceae
Black sapote	Ebenaceae
Bowstring hemp	Agauaceae
Brazilian beauty-leaf	Clusiaceae
Brazilian jasmine	Oleaceae
Brazilian oak	Casuarinaceae
Brazilian pepper	Anacardiaceae
Burma reed	Poaceae
Cajeput	Myrtaceae
Canistel	Sapotaceae
Carrotwood	Sapindaceae
Castor bean	Euphorbiaceae
Catclaw mimosa	Fabaceae
Chinaberry	Meliaceae
Chinese fan palm	Arecaceae
Chinese privet	Oleaceae
Chinese tallow	Euphorbiaceae
Chinese wisteria	Fabaceae
Cogongrass	Poaceae
Coral ardisia	Myrsinaceae
Cow itch	Fabaceae
Day jessamine	Solanaceae

Devil tree	Apocynaceae
Downy rose myrtle	Myrtaceae
Dune sunflower	Asteraceae
Earleaf acacia	Fabaceae
Egg fruit	Sapotaceae
Ficus	Moraceae
Fishtail palm	Arecaceae
Florida holly	Anacardiaceae
Glossy privet	Oleaceae
Gold Coast jasmine	Oleaceae
Golden bamboo	Poaceae
Guava	Myrtaceae
Half-flower	Goodeniaceae
Heavenly bamboo	Berberidaceae
Hunter's robe	Araceae
Indian almond	Combretaceae
Indian rosewood	Fabaceae
Jambolan plum	Myrtaceae
Japanese climbing fern	Lygodiaceae
Japanese honeysuckle	Caprifoliaceae
Jasmine	Oleaceae
Java plum	Myrtaceae
Kopsia	Apocynaceae

Lantana	Verbenaceae
Latherleaf	Rhamnaceae
Laurel fig	Moraceae
Lead tree	Fabaceae
Lepianthes	Piperaceae
Life plant	Crassulaceae
Live leaf	Crassulaceae
Lofty fig	Moraceae
Loquat	Rosaceae
Mahoe	Malvaceae
Makulan	Piperaceae
Melaleuca	Myrtaceae
Mexican fan palm	Arecaceae
Mimosa	Fabaceae
Mother-in-law's tongue	Agauaceae
Mueller's almond	Combretaceae
Mysore raspberry	Rosaceae
Nandina	Berberidaceae
Napier grass	Poaceae
Nephthytis	Araceae
Night-blooming cereus	Cactaceae
Ochrosia	Apocynaceae
Old World climbing fern	Lygodiaceae

Orange jessamine	Rutaceae
Orchid tree	Fabaceae
Oyster plant	Commelinaceae
Palms	Arecaceae
Paper mulberry	Moraceae
Passion-flower	Passifloraceae
Piper	Piperaceae
Popcorn tree	Euphorbiaceae
Portia tree	Malvaceae
Possum grape	Vitaceae
Pothos	Araceae
Punk tree	Myrtaceae
Queen palm	Arecaceae
Queensland umbrella	Araliaceae
Raspberry	Rosaceae
Red sandalwood	Fabaceae
Rosary pea	Fabaceae
Rose apple	Myrtaceae
Rosewood	Fabaceae
Royal poinciana	Fabaceae
Royal palm	Arecaceae
Sapodilla	Sapotaceae
Scaevola	Goodeniaceae

Schefflera	Araliaceae
Scholar tree	Apocynaceae
Sea hibiscus	Malvaceae
Seaside mahoe	Malvaceae
Senegal date palm	Arecaceae
Sewer vine	Rubiaceae
Shoebutton ardisia	Myrsinaceae
Silverthorn	Elaeagnaceae
Skunk vine	Rubiaceae
Solitaire palm	Arecaceae
Surinam cherry	Myrtaceae
Toog	Euphorbiaceae
Torpedograss	Poaceae
Tropical soda apple	Solanaceae
Tung oil tree	Euphorbiaceae
Umbrella tree	Araliaceae
Washingtonia palm	Arecaceae
Water yam	Dioscoreaceae
Wedelia	Asteraceae
West African yam	Dioscoreaceae
Wild taro	Araceae
Woman's tongue	Fabaceae
Wood rose	Convolvulaceae

Florida's Last Frontier

Town of

LOXAHATCHEE GROVES

UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 3.a.6 Discussion of Questions fo the AGO *(Committee Member 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 Fl chapter 163. According to Fl 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?

Florida's Last Frontier

Town of

LOXAHATCHEE GROVES

UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 3.a.7. 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.

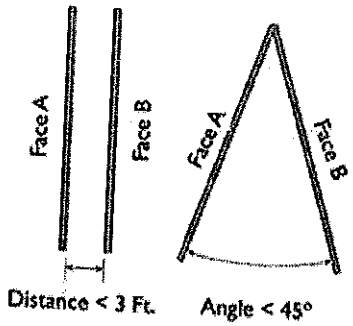
Changeable copy sign. A sign designed in a manner that allows the copy to be changed either manually, electronically or by any other method through the use of attachable letters, numbers, symbols or changeable pictorial panels, and other similar characters, or through internal rotating or moveable parts 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.

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.

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

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

(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

(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

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

(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

(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)

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

(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;

(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.

Florida's Last Frontier

Town of

LOXAHATCHEE GROVES

UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

PALM BEACH COUNTY SIGN CODES

ARTICLE 8

SIGNAGE

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ARTICLE 8

SIGNAGE

CHAPTER A GENERAL

Section 1 General

A. 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 PBC and to assist in the promotion of tourism, business and industry. More specifically, this Section is intended to:

1. **Identification**
   Promote and aid in the identification, location, and advertisement of goods and services, and the use of signs for free speech;
2. **Aesthetics**
   Preserve the beauty and the unique character of PBC, protect PBC from visual blight, and provide a pleasing environmental setting and community appearance which is deemed vital to the continued economic development of PBC;
3. **Land Values**
   Protect property values by assuring compatibility with surrounding land uses;
4. **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; and
5. **Compatibility**
   Make signs compatible with the overall design objectives of the Plan and the Managed Growth Tier System (MGTS); ensure signs are compatible with the character of adjacent architecture and neighborhoods, and to provide the essential identity of, and direction to, facilities in the community.

B. General Design Principles

The following principles are general design guidelines that should be considered in the design of all signs. Signs which enhance a project are encouraged, and signs should make a positive contribution to the aesthetic appearance of the street or commercial area where they are located.

1. **Visibility**
   A sign shall be conspicuous and readily distinguished from its surroundings.
2. **Legibility**
   The size and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.
3. **Readability**
   A sign message should be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign. Excessive use of large areas of several colors can create competition for the eye and significantly reduce readability.
4. **Architectural Compatibility**
   A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture, and shall be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign which covers a window, or which spills over "natural" boundaries or architectural features and obliterates parts of upper floor of buildings is detrimental to visual order and may not be permitted.
5. **Consistency with Area Character**
   A sign should be consistent with distinct area or district characteristics and incorporate common design elements such as sign materials or themes. In Traditional Development Districts (TDD'S) projecting signs are encouraged and should be located and sized to be viewed by people on foot.

Where signs are located in close proximity with a residential area, the sign should be designed and located so they have little or no impact on adjacent residential neighborhoods.

Figure 8.A.1.B – Visibility and Legibility

C. Applicability

The provisions of this Section shall apply to all signs in unincorporated PBC, unless exempt by Article 8.B, EXEMPTIONS.

1. Nonconforming Signs

Previously permitted signs that do not meet the current standards of this Code are nonconforming structures, subject to Article 1.F.3, Nonconforming Structure. A nonconforming sign may not be enlarged, structurally altered, or moved unless the entire sign is brought into compliance with this Section. A sign face on a nonconforming sign may be replaced but not enlarged.

2. Billboards and Off-Site Signs

There shall continue to be a prohibition on billboards and similar off-site signs, however, this prohibition does 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 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.

3. Conflict with Graphics and Other Provisions

Where there is a conflict between the text and a graphic in this Section, the more restrictive provision shall prevail. Where other sign or outdoor advertising regulations are in effect and are more restrictive than the provisions of this Section, the more restrictive provisions shall prevail.

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Table 8.A.1.C – Organization of Sign Regulations

CHAPTER B, EXEMPTIONS	Lists types of signs that are exempt from these regulations. Exemptions are made for change of business signs; construction signs; equipment signs; interior signs; mobile vendor signs; official flags; official government signs; parking and directional signs; political campaign signs; public warning signs; real estate for sale, or for rent signs; small signs; transportation-related signs; and window signs.
CHAPTER C, PROHIBITIONS	Lists types of prohibitions for sign types, materials, designs, messages, and locations for banners, streamers, or pennants; emissions; mechanical movement; mobile signs; obscenities; obstruction of fire fighting equipment; obstructions to driver visibility; roof signs; signs creating traffic hazards; signs on public bus shelters; signs on water vessels; signs using live animals or humans; snipe signs; and vehicle displays.
CHAPTER D, TEMPORARY SIGNS REQUIRING SPECIAL PERMIT	Lists provisions for temporary signs that require a special permit including balloon type signs; signs for campaign drive or civic events, grand openings, temporary sales, temporary displays, and temporary residential developments.
CHAPTER E, PROCEDURES FOR SIGNAGE	Lists the permit and identification requirements for non-exempt signs and sign structures. Includes the MSP required for developments subject to DRO, ZC, or BCC. Also lists provisions for use of an ASP.
CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES	Lists standards for computation of sign area; building wall measurement; materials, illumination, changeable copy, signs that do not reduce allowable sign area; construction and maintenance, abandoned signs, substitution of sign message; encroachment into public street or sidewalk, and for resolving conflict between text and graphics in this Section or with other provisions.
CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES	Lists specific provisions and standards for building-mounted signs (wall signs, awning and canopy signs, projecting signs, and marquee signs); ground-mounted signs (freestanding and monument signs) entrance wall signs; electronic message center signs; directional signs; flags and freestanding flagpoles; and project identification signs.
CHAPTER H, OFF-SITE SIGNS	Lists specific provisions and standards for off-site directional signs and outdoor advertising (billboards).
CHAPTER I, ADMINISTRATION AND ENFORCEMENT	Lists the authority and provisions for the administration and enforcement of this Section. Includes provisions for the amortization of non-conforming signs.
[Ord. 2012-027]	

Section 2 Definitions

See ART. 1.I, DEFINITIONS AND ACRONYMS.

CHAPTER B EXEMPTIONS

The following signs shall be exempt from the permitting requirements of this Article and may be constructed or attached without a permit, except as prohibited in ART. 8.C, PROHIBITIONS. An electrical permit shall still be required for signs using electrical service. **[Ord. 2005 – 002] [[Ord. 2006-036]**

Section 1 Change of Ownership Signs

A temporary attachment or covering of wood, plastic, or canvas over a permanent sign indicating a change of ownership or activity may be displayed no longer than 30 days following the change of ownership or activity for which the sign is intended, or up to 90 days following issuance of a building permit. The sign shall be no larger than the previously permitted permanent sign. **[Ord. 2006-036]**

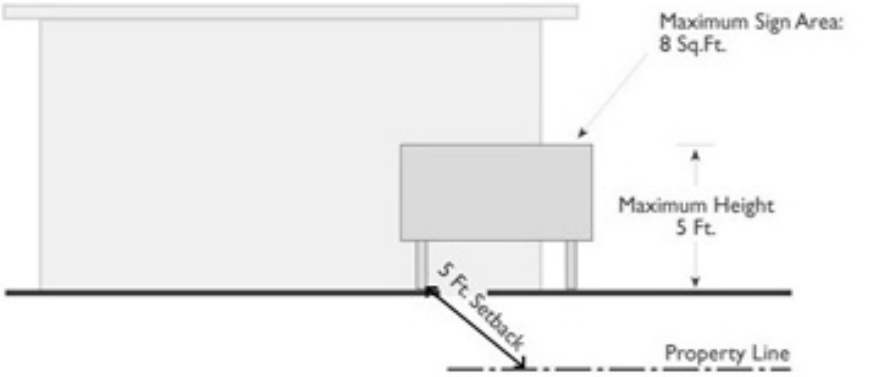
Section 2 Small Signs

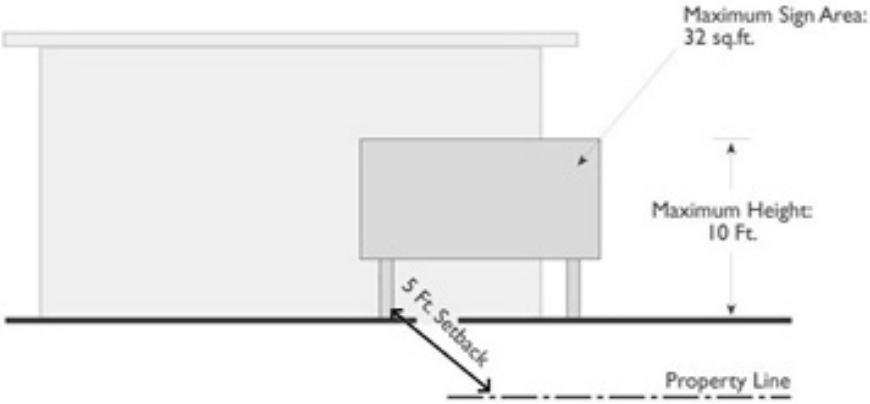
Small signs shall include but not be limited to the following types of signage and corresponding limitation on sign face area: **[Ord. 2008-003]**

A. Equipment, mobile vendor, and on-site directional signs shall be limited to a maximum of eight square feet in sign face area and five feet in height. **[Ord. 2008-003]**
B. Other small signs shall include but not be limited to temporary signs such as real estate for sale and for rent signs; construction signs which typically include names of the project, contractors, architects and

other entities associated with the project; freedom of speech signs; campaign signs, provided such signs are removed within ten days after the election date; permanent signs such as public warning signs; official government signs and commemorative plaques. These small signs shall be limited to a maximum of eight square feet of sign face area and five feet in height on residential properties less than five acres in size, and a maximum of 32 square feet of sign face area and ten feet in height for all non-residential properties and residential properties greater than five acres in size. **[Ord. 2006-036] [Ord. 2008-003]**

Figure 8.B.2 - Typical Example of Small Construction Signs





[Ord. 2008-003]

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Figure 8.B.2 - Typical Example of Small Equipment Signs

[Ord. 2008-003]

Figure 3.B.2 - Typical Example of Small Mobile Vendor Sign

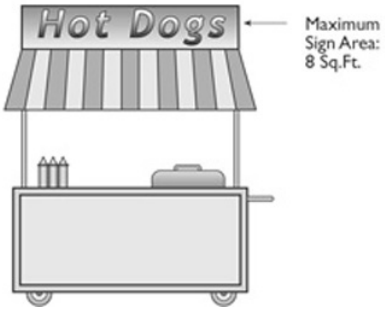
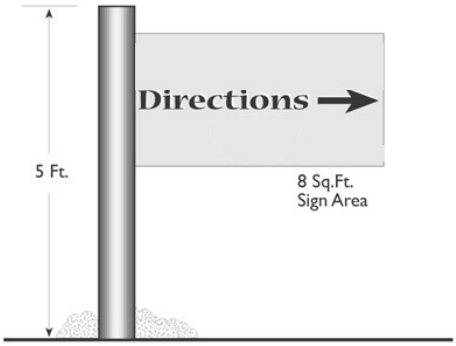


Figure 8.B.2 - Typical Example of Small On-Site Directional Sign



[Ord. 2008-003]

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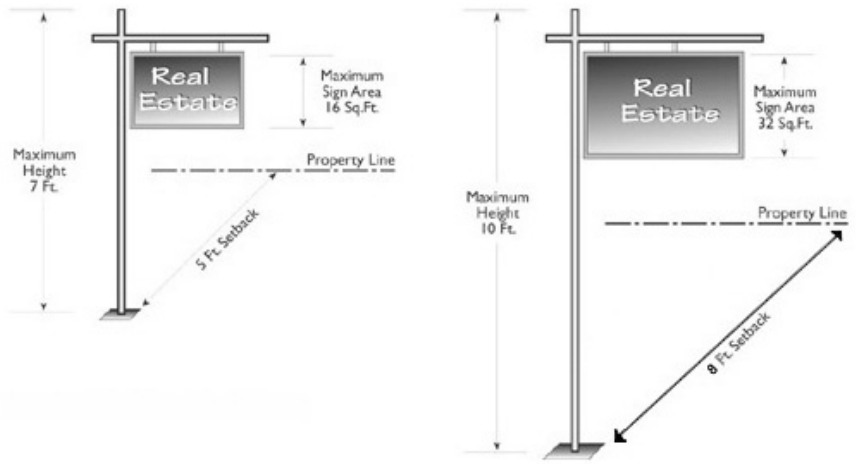
Figure 8.B.2 - Typical Example of Small Real Estate Signs



[Ord. 2008-003]

Section 3 Transportation-Related Signs

Signs on public transportation vehicles regulated or licensed by federal, state, PBC or municipal officials or organizations, including public buses and taxicabs; and all off-premises signs incorporated into PBC owned, controlled, or operated bench, bus shelter, or waste receptacle attached to a bench or shelter, pursuant to the PBC contract dated August 22, 1989, as may be amended.

Section 4 Window Signs

Window signs not exceeding 20 percent coverage of each glass window or glass door to which the sign is attached. Any sign either hung within two feet of a window or attached to a display located within two feet of a window is considered a window sign.

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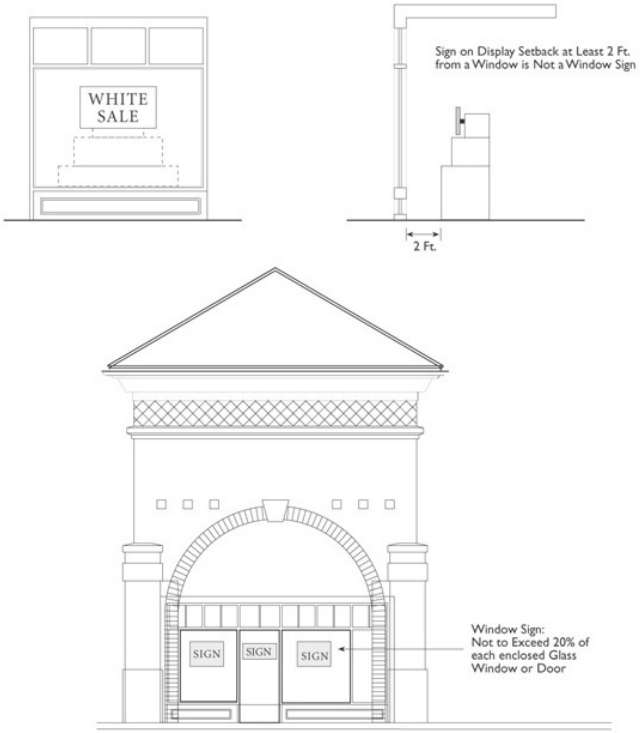
Figure 8.B.4 - Window Signs



Section 5 Ground Mounted Signs Damaged during Natural Disaster

In the event of a natural disaster, which destroys or damages legally permitted ground-mounted signs, a temporary sign may be erected or an existing sign modified subject to the following limitations and requirements: **[Ord. 2006-036]**

A. Temporary Sign Certificate
A temporary sign certificate shall be issued by the Building Division in conjunction with a complete building permit application for the replacement of the damaged sign. This certificate will allow a temporary sign, as stated above, for a period no more than six months from the date of issuance. A copy of the temporary sign certificate shall be provided to Code Enforcement. **[Ord. 2006-036]**

B. Damaged Sign Face
A temporary attachment or covering of plastic, or canvas may be installed over an existing sign, which was damaged during a natural disaster. The attachment shall be no larger than the previous legally permitted permanent sign. **[Ord. 2006-036]**

C. Damaged Structure
A temporary sign may be installed, in place of a previously permitted sign, not more than 32 square feet in sign face area and not more than five feet in height. The temporary sign shall meet the minimum setback requirements, as stated in this Article or any conditions of approval, whichever is more restrictive. **[Ord. 2006-036]**

Section 6 Murals

Unless otherwise specified, Murals approved in accordance with Art. 5,I, Murals, shall be exempt from all other standards of Art. 8, Signage. **[Ord. 2013-021]**

CHAPTER C PROHIBITIONS

The following prohibitions apply to all signs and structures, notwithstanding the provisions in Article 8.B, EXEMPTIONS:

Section 1 Banners, Streamers, Pennants, or Balloons

Banners, streamers, pennants, balloons and other signs made of lightweight fabric, plastic or similar material, except any sign with a valid special permit, or where otherwise stated in this Article. **[Ord. 2007-001] [Ord. 2007-013] [Ord. 2008-003]**

Section 2 Emissions

Signs that produce noise or sounds capable of being heard, excluding voice units at drive-thrus, and signs that emit visible smoke, vapor, particles, or odor.

Section 3 Mechanical Movement

Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any kind.

Section 4 Mobile Signs

Any 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, "A-frame" or sandwich type, sidewalk or curb signs, blank copy signs, and unanchored signs, except where otherwise stated in this Article. **[Ord. 2008-003]**

Figure 8.C.4 - Mobile Signs

Section 5 Motion Picture or Video

Motion picture and video mechanisms used in such a manner as to permit or allow images to be visible from any street.

Section 6 Obscenities

Signs that depict, describe, or relate to "specified sexual activities" or "specified anatomical areas" as defined in ART. 1.I DEFINITIONS AND ACRONYMS.

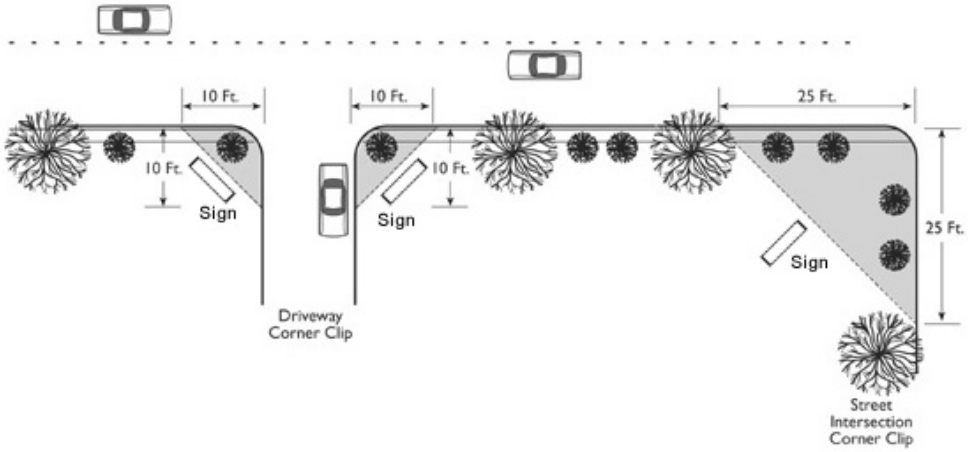
Section 7 Obstruction of Fire Fighting Equipment

Signs erected, constructed, or maintained so as to obstruct any fire fighting equipment; unless approved by the Fire Marshall.

Section 8 Obstructions to Driver Visibility

Signs in corner clips and line of sight in accordance with PBC standards that do not meet the visibility requirements in accordance with PBC standards.

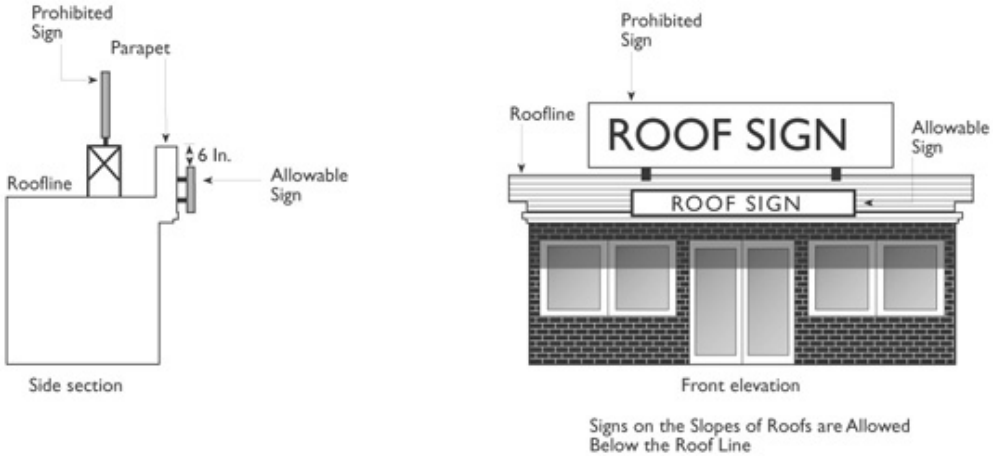
Figure 8.C.8 - Corner Clip Visibility



Section 9 Roof Signs

Signs erected above the roofline or parapet, and signs on rooftop structures, such as penthouse walls or mechanical enclosures. Signs on a sloped roof, a mansard roof or a parapet located a minimum of six inches below the roof deck or top of the parapet are allowed, subject to the standards for building mounted signs in Article 8.G.1, Building Mounted Signs.

Figure 8.C.9 - Roof Signs



Section 10 Signs Creating Traffic Hazards

Signs that may be confused with any authorized traffic sign, signal, or device; or which makes use of the words "stop," "look," “danger," or any other word, phrase, symbol, or character that interferes with, misleads, or confuses vehicular drivers.

Section 11 Signs On Public Bus Shelters

Any sign placed upon a bench, bus shelter or any waste receptacle attached to a bench or shelter, except as exempted by Article 8.B.3, Transportation-Related Signs, and authorized by PBC.

Section 12 Signs On Water Vessels

Any nonexempt sign painted on or attached to a vessel, for the purpose of displaying advertisements, which is docked or anchored in the coastal waterways of PBC. This restriction does not apply to vessels passing through PBC on the Intracoastal Waterway. **[Ord. 2006-036]**

Section 13 Snipe Signs

All off-site signs, tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, trailers, or other supporting structures, except where otherwise stated for in this Article.

Section 14 Vehicle Displays

Unless there is only one row of parking between a building and the street, motor vehicles with business names, business addresses, telephone numbers, contractor certification numbers, logos and similar information painted or embossed on vehicle surfaces shall not park or be stored in the row of parking or any area within 25 feet of the front property line longer than four hours in a 24-hour period. This prohibition does not apply to vehicles with advertising, where the vehicles are making deliveries to that business (e.g. U.S. Postal Service, UPS, Federal Express, DHL, Airborne, etc.) or vehicles used in conjunction with a special promotion with a valid permit, vehicles with advertising signs with letters less than eight inches in heights and eight square feet in area, public transportation vehicles, and vehicles in industrial zones parked in vehicle use area.

CHAPTER D TEMPORARY SIGNS REQUIRING SPECIAL PERMIT

The Zoning Director may approve special permits for the following signs pursuant to Article 2.D.2, Special Permit. All temporary signs not removed within the time limit indicated on the permit or in this Chapter shall be removed subject to the provisions of Article 8.I.4, Removal of Signs in Violation of this Article.

Section 1 Balloon Type Signs

Balloon type signs are allowed in the CG-General Commercial, PO-Public Ownership, CRE-Commercial Recreation, IL-Light Industrial, IG-General Industrial or PDD-Planned Development zoning districts, subject to the standards in Table 8.D.1, Balloon Type Sign Standards. Only cold air shall be used in the balloon. Balloons shall not be located within any required vehicular use area.

Table 8.D.1 - Balloon Type Sign Standards

Maximum Width	30 ft.
Maximum Height	30 ft. 60 ft. for balloons on top of buildings (allowed on 1 or 2 story buildings only)
Minimum Separation Between Other Permitted Balloon Type Signs	1 mile
Minimum Setback from Base Building Line	15 ft.

A. Permit Requirements

The following information shall be provided to the Zoning Division with the application for a special permit. No project shall be issued more than two balloon permits in any calendar year. The maximum duration of any permit shall be for ten days. There shall be a minimum of 30 days from the day the first balloon is removed before a second permit for a balloon may be issued.

1. Legal description, property control number (PCN) and address of location;
2. Written permission of property owner or owner's designated agent;
3. Cold air balloon installation business tax receipt; **[Ord. 2007-013]**
4. Evidence of installer's liability and property damage insurance;
5. Site plan or survey showing location of balloon and centerline of adjacent R-O-W demonstrating compliance with these regulations; and
6. A photograph of the balloon.

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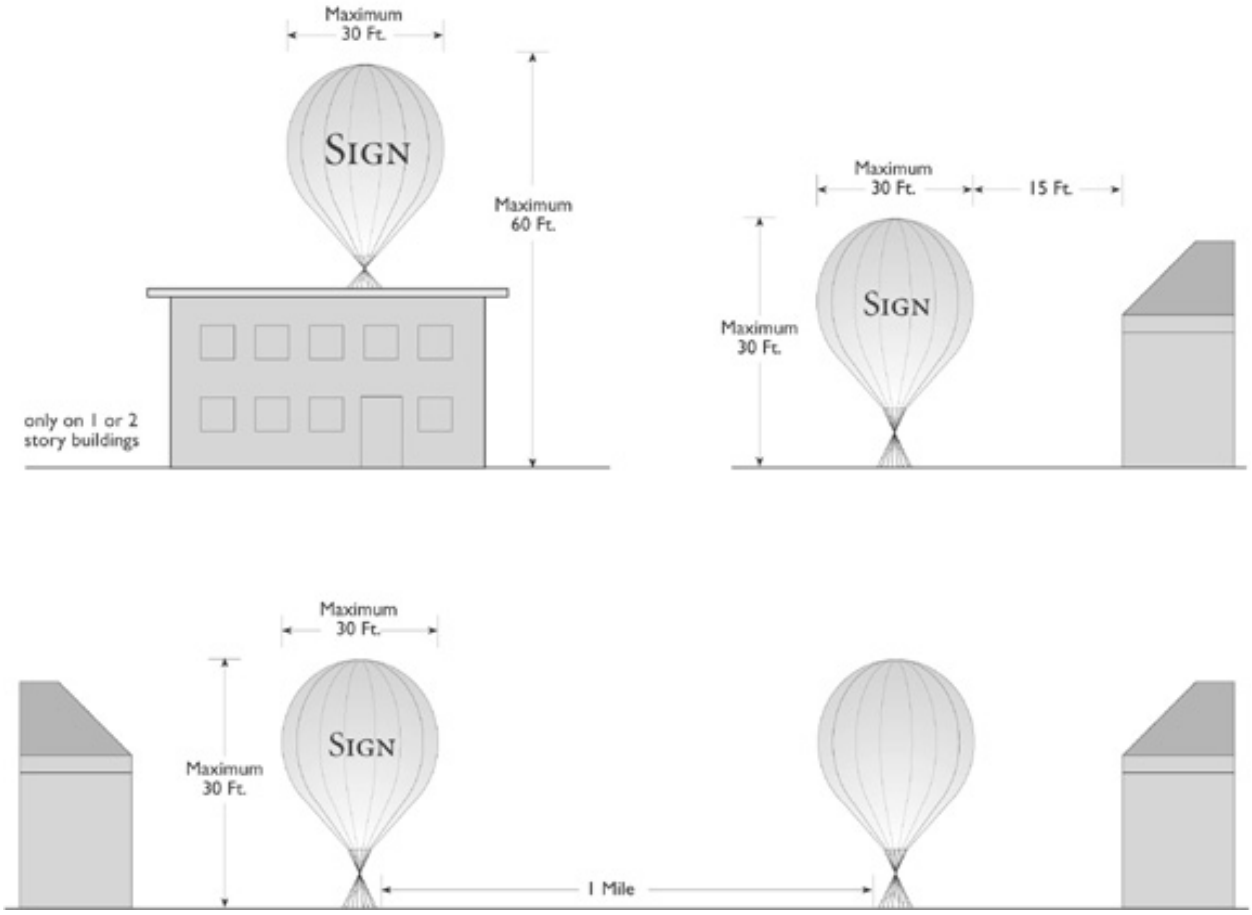
Figure 8.D.1.A - Temporary Balloon Type Signs



B. Prohibitions in the WCRAO
Balloon type signs are prohibited in the WCRAO. **[Ord. 2006-004]**

Section 2 Campaign Drives or Civic Events

These signs are allowed 60 days prior to the campaign drive or event; they shall not exceed 32 square feet or ten feet in height. They shall be removed within 30 days following the end of the campaign drive or event.

Section 3 Grand Openings

One temporary sign, per business, per location for a grand opening shall be permitted, and may be displayed for up to 14 days.

A. Projects Less Than Five Acres
Grand opening signs shall not be more than eight square feet in sign area. Freestanding grand opening signs shall be a maximum of five feet in height and have a minimum setback of five feet.

B. Projects Over Five Acres
Grand opening signs shall not be more than 32 square feet in sign area. Freestanding grand opening signs shall be a maximum of ten feet in height and have a minimum setback of five feet.

Section 4 Temporary Sales

One temporary on-site and non-illuminated freestanding sign announcing a temporary sale, prior or in accordance with the Article 2.D.2, Special Permit shall be permitted for 30 days, subject to the standards in Table 8.D.4, Temporary Sales Sign Standards.

Table 8.D.4 - Temporary Sale Sign Standards

Maximum Sign Area	32 sq. ft.
Maximum Height	10 ft.
[Ord. 2008-003]	

Section 5 Temporary Residential Development Signs

A maximum of two temporary residential development signs shall be permitted per frontage for up to three years or until 95 percent of the development has received a CO, whichever occurs later. An additional sign shall be permitted for each 660 feet of frontage in excess of 1,320 feet. **[Ord. 2008-037]**

A. Developments Less Than Five Acres
Temporary residential development signs shall be a maximum of eight square feet in sign area and not more than five feet in height. **[Ord. 2008-037]**

B. Developments Greater Than Five Acres
Temporary residential development signs shall not be more than 48 square feet in sign area and not more than ten feet in height. **[Ord. 2008-037]**

Section 6 Temporary Non-Residential Development Signs

For projects with DRO approval, no more than one temporary development sign shall be permitted, per frontage, for up to two years or until the development has received a CO.

A. Maximum height: ten feet; **[Ord. 2008-003]**
B. Maximum sign area: 32 square feet. **[Ord. 2008-003]**

CHAPTER E PROCEDURES FOR SIGNAGE

All signs, except signs exempted by Article 8.B, EXEMPTIONS, shall receive a building permit prior to construction, erection, attachment or placement from PBC. Non-exempt signs not erected or repaired pursuant to a valid permit are considered illegal. No sign shall be structurally altered, enlarged, or relocated except in conformity with this Article. The repair or changing of movable parts, sign copy, display, or graphic material is not deemed an alteration.

Section 1 Required Permits and Approvals

All development requiring DRO, ZC, or BCC approvals, shall submit an approved MSP pursuant to Art. 8.E, PROCEDURES FOR SIGNAGE. **[Ord. 2005 – 002]**

Section 2 Required Tag

A. Every sign for which a building permit is required shall be plainly marked with the corresponding permit number issued for the sign. The permit number shall be marked on permanent material with a contrasting color in numbers at least one inch in height.
B. Tags shall be displayed on signs or at the base of the structure in a visible location. Tags for freestanding signs must be located on the structure between one and three feet above grade. **[Ord. 2005-041]**
C. The absence of the required tag shall be evidence that the sign is in violation of this Article.

Section 3 Master Sign Program Plan

A. Purpose and Intent
The purpose and intent of a MSP is to provide a unified record of signs and to promote coordinated signage for all development subject to DRO, ZC, BCC approval or architectural review. MSP also may be required as a condition of approval. The MSP shall demonstrate how the intent of this Section is met in whole or in part, in regard to the following objectives:

1. Improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement;
2. Provides for sign design or placement appropriate with the MGTS tier in which the signs are located;
3. Incorporates sign design and placement related to architectural and landscape features on site; and
4. Incorporates sign design, scale, and placement oriented to pedestrian traffic.

B. Submittals

1. Preliminary Master Sign Plan (PMSP)

A PMSP shall be submitted to the Zoning Division at the time of initial application, and shall be subject to the same review and approval process as the development itself. The initial PMSP shall include the total number of all proposed signs or sign types, the location of sign types on a plan and general building elevations, drawings, sketches of generic sign types, a computation of the total allowable sign area for each sign and sign type (the sign budget), the height of each sign, and the proposed location of each sign on a plan or general building elevations. A PMSP shall also describe proposed public artwork that would be exempt from sign area calculations. Subsequent development orders for Zoning approval or building permits, submitted following the initial approval of a development without a Final Master Sign Plan, shall only be required to submit signage information related to the affected area. **[Ord. 2009-040]**

2. Final Master Sign Plan (FMSP)

A FMSP shall be reviewed and approved, approved with conditions, or denied at Final DRO. The specific requirements for the FMSP shall be prepared pursuant to the requirements in the Technical Manual. In addition, the DRO shall make the following determinations: **[Ord. 2009-040]**

a. The proposed signs are compatible in style and character with any building to which the sign is to be attached, any surrounding structures, and any adjoining signage on the site; **[Ord. 2009-040]**
b. Future tenants will be provided adequate opportunities to construct, erect or maintain a sign for identification; and **[Ord. 2009-040]**
c. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access. **[Ord. 2009-040]**

C. Conditions of Approval

The DRO, ZC or BCC, may impose conditions necessary to carry out the intent of the MSP while still permitting each sign user opportunities for effective identification and communication. These conditions may include reductions in the allowable number of signs, total sign face area, location of signs, and types of signs allowed.

Section 4 Alternative Sign Plan (ASP)

An applicant may demonstrate the intent of this Section provision can be exceeded, in whole or in part, through an ASP. The ASP shall be prepared in accordance with the design principles set forth below and shall clearly detail the modifications being requested from the provisions of this Section and how they enhance the design principles.

A. Design Principles

To qualify for consideration, an ASP shall demonstrate compliance with the following principles:

1. Innovative use of materials and design techniques in response to unique characteristics of the specific MGTS tier and site;
2. Placement of sign preserves or incorporates existing native vegetation;
3. Integrates architectural features and pedestrian facilities in a manner compatible with the tier in which the development is located. In the U/S Tier and in TDD's, this may include pedestrian-oriented signage;
4. Consistency with approved neighborhood plans, studies, area plans or special planning or design studies; and
5. Preservation of historic signs based on the following criteria:
   a. signs 40 years or older;
   b. signs which are particular unique in character, design, or history; or
   c. signs that are part of the historic character of a building, business, or district.

B. Applicability

An ASP may be submitted for any of the following:

1. PDD's;
2. TDD's; or
3. Conditional or requested uses.

C. Allowable Modifications to Standards

Subject to approval, an ASP may provide for the following modifications to the standards of this Section:

1. Transfer up to 20 percent of the total sign area allowed for building mounted signs to another sign type;
2. Decrease the minimum separation required for signs within properties under common ownership;
3. Transfer freestanding sign area to building mounted signs;

4. Adjust the standards of this Section to allow for the preservation of historic signs; and
5. Vary the geometry and rules used in the measurement of sign area to allow for creative and unique sign shapes.

D. Submittals and Approvals

In addition to the requirements of a MSP, an ASP shall be submitted in conjunction with a Zoning application, subject to the following requirements:

1. Submittal Requirements

The ASP shall be submitted with a supplemental application and justification form to include project information, specific code references and proposed alternatives. The ASP shall require approval of the requested deviations from the requirements of this Section by the ZC or BCC and may be subject to conditions of approval.

CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

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

Section 1 Minimum Setbacks

Unless otherwise specified in this Section, signs shall be setback as follows:

A. Temporary Signs

Five feet from the property line.

B. Permanent Signs

Five feet from the base building line. If the PBC Engineer waives the requirement that the setback be measured from the base building line, the setback shall be measured from the property line.

C. WCRAO Exemption

Properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road are excluded from the five foot minimum setback, for properties that have been altered by eminent domain takings for R-O-W expansions. **[Ord. 2006-004]**

Section 2 Computation of Maximum Sign Area

The methodology for computing the 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 provided no lettering or graphics except for addresses or required tags. **[Ord. 2006-036]**

1. Channel Letters, Including Neon Channel Letters and Individual Letters

20 percent may be added to the calculation of the maximum area of a sign comprised solely of channel letters or neon channel letters or other individual freestanding letters, for developments that require a MSP. **[Ord. 2005 – 002]**

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 sign face shall be used as the bases for calculating sign area.

C. Multi-faced Signs

Signs with three or more sign faces, or signs with two sign faces with a distance greater than three feet apart or an interior angle greater than 45 degrees, shall calculate the sign area as the sum of all the sign faces.

D. Three-dimensional Signs

Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of all areas using the four vertical sides of the smallest cube that will encompass the sign.

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Figure 8.F.2.D - Measurement of Sign Area

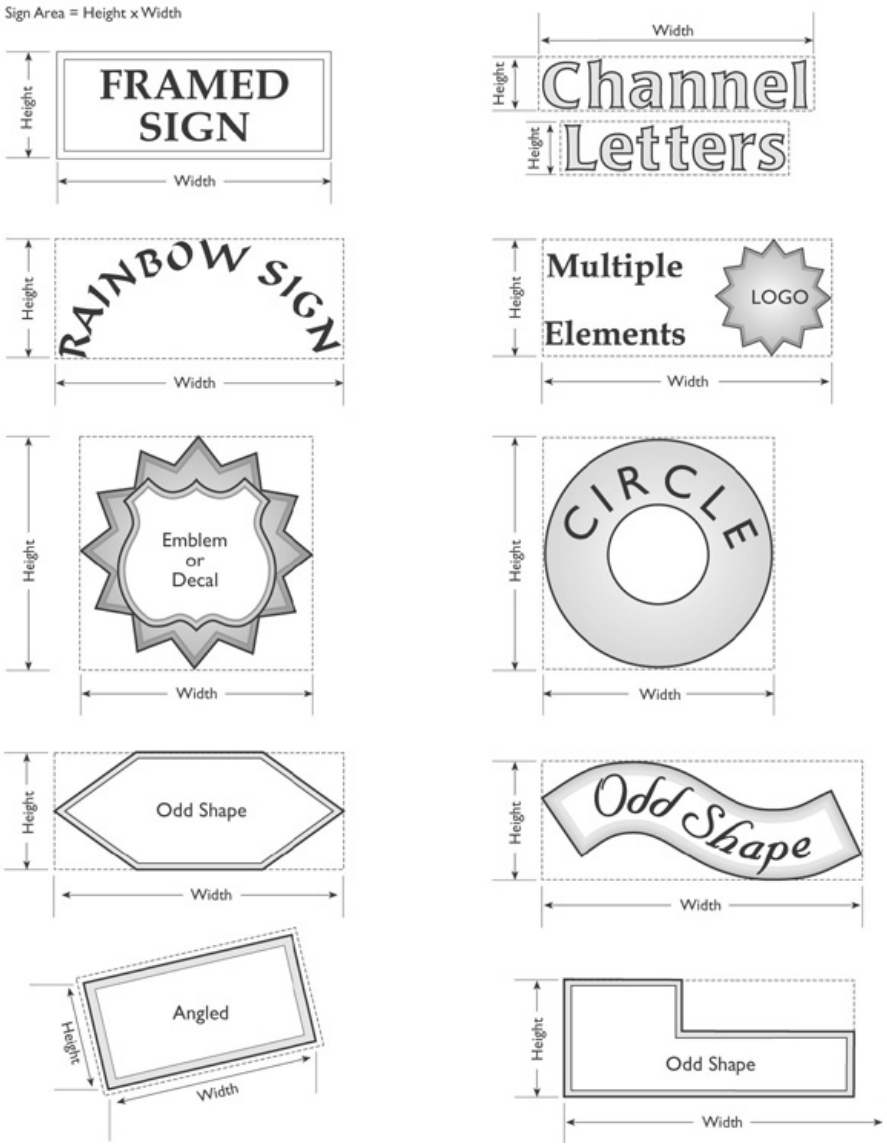

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Figure 8.F.2.D - Measurement of Double-Faced Signs

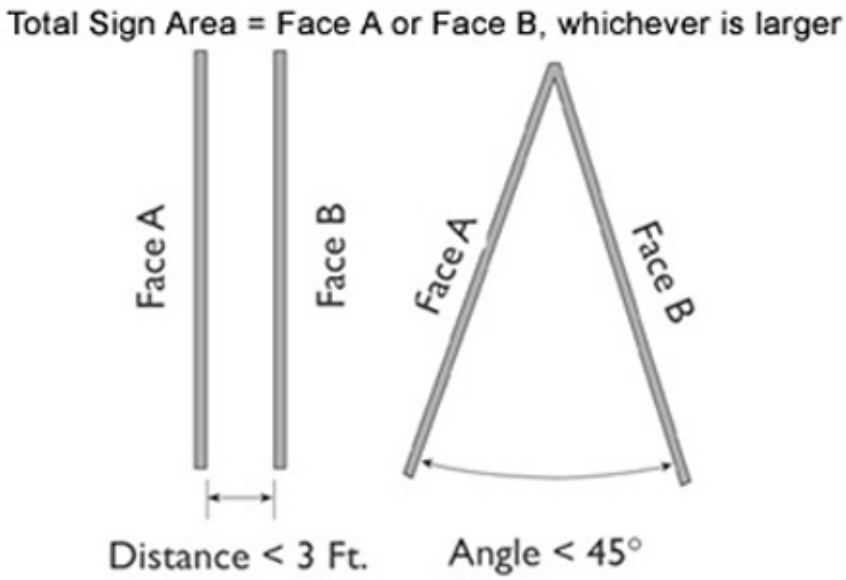

Figure 8.F.2.D - Measurement of Multi-Faced Signs

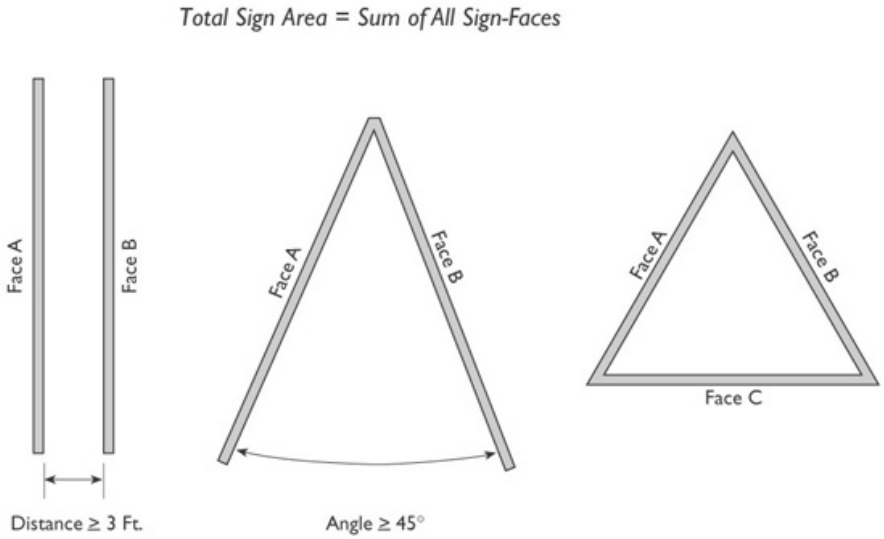

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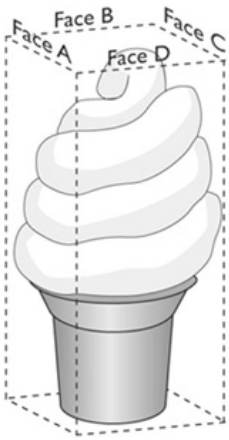
Figure 8.F.2.D - Measurement of Three-Dimensional Signs

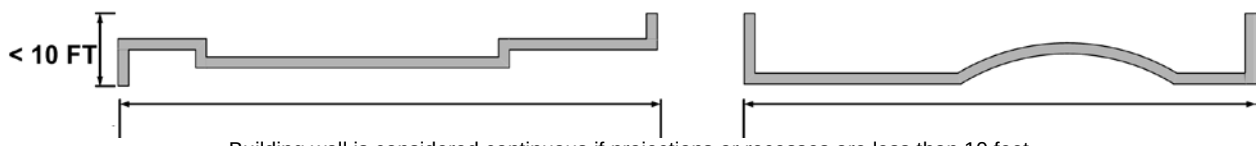
Total Sign Area = Sum of All Sign Faces of Smallest Cube



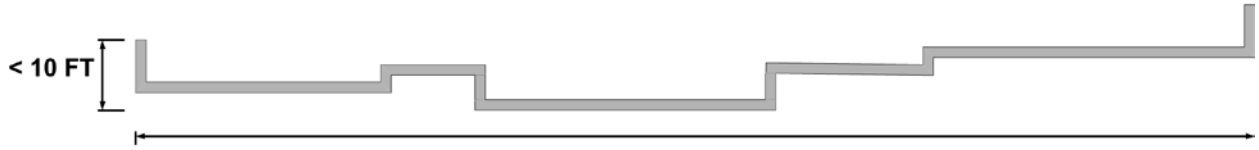
Section 3 Building Wall

For the purpose of this Section, a building's wall is considered continuous if projections or recesses in a building wall do not exceed ten feet in any direction. For the purpose of Article 5.C.1.I, Large Scale Commercial Development, a building's wall is considered continuous if projections or recesses in a building does not exceed 25 feet. **[Ord. 2009-040] [Ord. 2012-027]**

Figure 8.F.3 – Building Wall



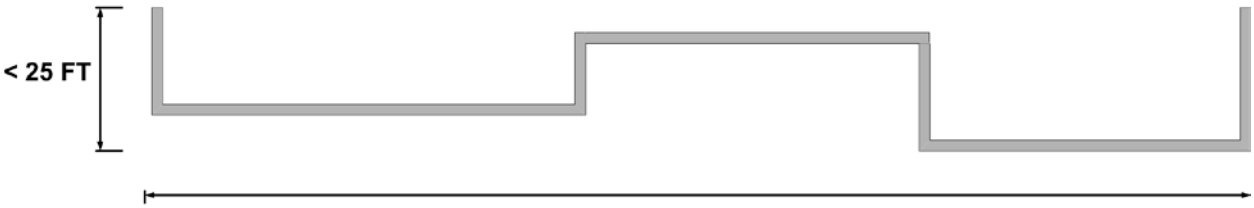
Building wall is considered continuous if projections or recesses are less than 10 feet.



Building wall is considered continuous if projections or recesses are less than 10 feet.

[Ord. 2012-027]

Figure 8.F.3.– Building Wall for Large Scale Commercial Development



Building wall is considered continuous if projections or recesses do not exceed 25 feet.

[Ord. 2009-040] [Ord. 2012-027]

Section 4 Materials

Paper, cardboard, or other material subject to rapid deterioration shall be limited to signs displayed for no more than 30 days.

Section 5 Illumination

Signs may be illuminated subject to the following standards:

A. General Requirements

1. Ground-mounted and building-mounted signs adjacent to a residential zoning district, a residential use shall be illuminated only during hours when the establishment is open for business;
2. External lighting shall be properly shielded to prevent glare on adjacent streets or properties; and
3. Illumination shall be constant and shall not consist of flashing, animated or changing lights, except for electronic message center signs, pursuant to Art. 8.G.3.B, Electronic Message Center Signs.

B. U/S Tier Requirements

1. Signs may be illuminated by silhouette, internal and external lighting, except where located in or oriented towards the NRM or NG Sub-areas of the WCRAO; and **[Ord. 2006-004]**
2. Neon signs are allowed in the U/S Tier, except where located in or oriented towards the NRM or NG Sub-areas of the WCRAO, as part of a wall sign or window sign only. The sign area for a neon sign shall not exceed eight square feet. **[Ord. 2006-004]**

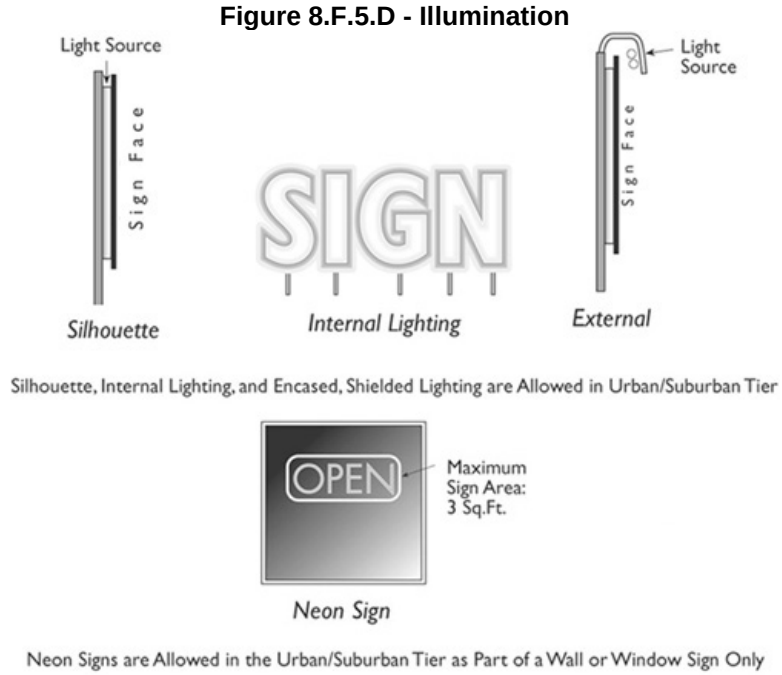
C. AGR Tier Requirements

1. Signs may be illuminated by external or silhouette lighting only.
2. Outparcel identification signs require external lighting only.
3. All sign lighting is restricted to the hours of operation of the entity or establishment with which the sign is associated.
4. Neon signs are allowed as a window sign only. The sign area shall not exceed six square feet.

D. Exurban, Rural, and Glades Tier Requirements

1. Signs may be illuminated by external lighting only.
2. All sign lighting is restricted to the hours of operation of the entity or establishment with which the sign is associated.

Figure 8.F.5.D - Illumination



Section 6 Changeable Copy

Changeable copy shall cover no more than 20 percent of the total sign area, except for the following uses which are exempt from this restriction: all public and civic uses, indoor theaters, fuel price signs, and signs that flash the time and temperature subject to Article 8.G.3.B, Electronic Message Center Signs.

A. Unless exempt, signs and supporting structures shall be installed in accordance with the Building Code;
B. All signs and supporting structures, shall be maintained in the condition originally permitted; and
C. If a sign is removed from its supporting structure for longer than 90 days, the supporting structure shall be removed pursuant to the procedures in Article 8.I.4, Removal of Signs in Violation of this Article.

Section 7 Abandoned Signs

Sign faces with commercial messages shall be removed within 60 days after the activity, product, business, service or other use which was being advertised has ceased or vacated the premises. Any commercial message not removed or replaced with a site-related message within this time may be removed pursuant to the removal procedures set forth in Article 8.I.4, Removal of Signs in Violation of this Article.

Section 8 Substitution of Sign Message

Any sign authorized by this Section may contain non-commercial copy in lieu of any other copy.

Section 9 Encroachment into Public Street or Sidewalk

Any sign projecting over a public street or sidewalk requires approval of the Department of Engineering and Public Works (DEPW) or other applicable agency.

Section 10 Required Address Signs

One address sign, between eight and 12 inches in height, is required for each freestanding building, and at least one freestanding sign if parcel has freestanding signs, subject to the following provisions: **[Ord. 2005 – 002]**

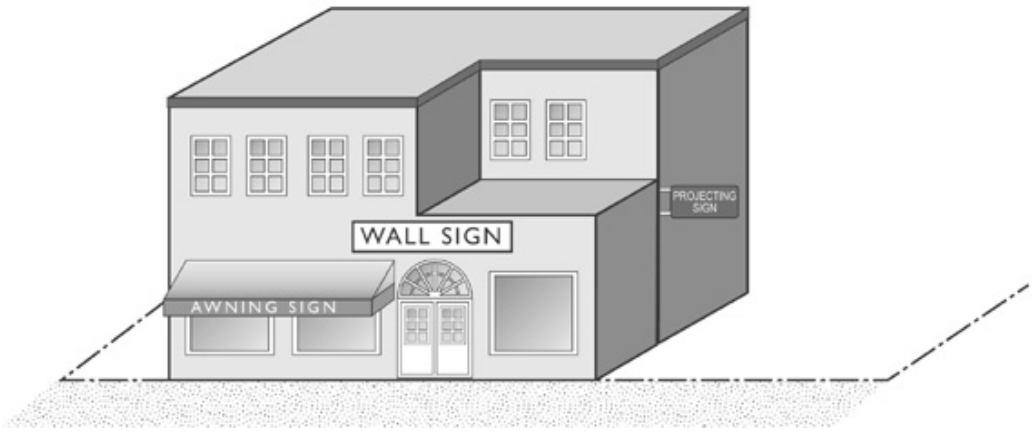
A. Where a multi-tenant building has a freestanding sign, the building address shall be posted on that sign in a contrasting color with letters of sufficient size to be plainly visible and legible from the roadway;
B. Where a building has multiple addresses, the address range shall be posted;
C. Numbers posted on signs shall be in a contrasting color and shall be proportionate to the total sign area. Address numbers shall not be including in the sign face measurement; and
D. Where multiple address signs are provided in a development, they shall be of uniform size and color.

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 1 Building Mounted Signs

Building mounted signs consist of wall signs, awning and canopy signs, projecting signs, and marquee signs. There is no limit on the maximum number of wall signs and awning and canopy signs provided that the total size of all such signs does not exceed the total maximum signage area permitted for wall signs. Projecting signs over a pedestrian sidewalk and not under a canopy, awning, or arcade, and marquee signs are not included in the maximum sign area calculation for building mounted signs.

Figure 8.G.1 - Building Mounted Sign Types



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A. Wall Signs

Wall signs, including signs mounted on a mansard roof or parapet, are subject to the standards in Table 8.G.1.A, Wall Sign Standards. No wall sign may cover wholly or partially any required wall opening.

Table 8.G.1.A - Wall Sign Standards

	U/S Tier(3)	AGR Tier	Exurban, Rural, and Glades Tiers(3)
Maximum Sign Area (per linear ft. of the wall to which the sign is attached)	1.0 sq. ft. along any one side of the building. (1)	0.75 sq. ft. along any one side of the building. (1).	0.5 sq. ft. along any one side of the building. (1)
	0.5 sq. ft. along any of the remaining sides of the building or 0.25 sq.ft. for walls adjacent to a residential zoning district or use (4).		
Minimum wall sign per tenant space (5)	24 square feet	24 square feet	24 square feet
Minimum Horizontal and Vertical Separation Between Signs	3 ft.	3 ft.	3 ft.
Maximum Projection from Surface of Building[2]	24 in.	24 in.	24 in.
Minimum Vertical Separation Between Sign and Roof Line	6 in.	6 in.	6 in.
Minimum Horizontal Separation Between Sign and Wall Edge	6 in.	6 in.	6 in.

[Ord. 2005-002] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2013-021]

Notes:

1. For projects that are not subject to an MSP approval under Art. 8.E.3, Master Sign Plan, the maximum wall sign area for the storefront shall be one and a half times the length of the storefront wall, building bay, or tenant space occupied by the retail business. This provision shall not apply to Freestanding ATMs. **[Ord. 2005-002] [Ord. 2013-021]**
2. Signs that project more than 24 inches are considered projecting signs, subject to Art. 8.G.1.C, Projecting Signs.
3. Development within the Suburban Transect Zone of an AGE may apply the U/S Tier standards. **[Ord. 2010-022]**
4. This provision does not apply to a building separated from residential by a 110 feet R-O-W; buildings completely screened from view from another building of similar height; or a civic pod, a recreational pod or open space greater than 110 feet in width. **[Ord. 2012-027]**
5. This standard shall not apply to Freestanding ATMs, which shall be limited to "Maximum Sign Area" standards above. **[Ord. 2013-021]**

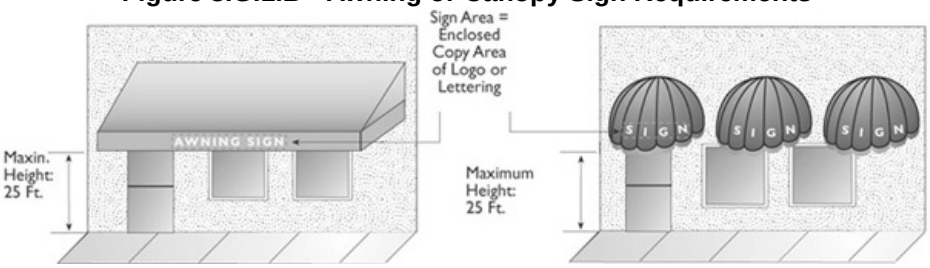
B. Awning and Canopy Signs Standards

Awning and canopy signs are included in the maximum allowable signage area for wall signs. Awning and canopy signs are permitted on the ground floor of buildings and shall be made of durable, long-lasting fabric and designed to fit the storefront. Awning and canopy signs shall be subject to the standards in Table 8.G.1.B, Awning and Canopy Signs Standards. **[Ord. 2006-004]**

Table 8.G.1.B - Awning and Canopy Sign Standards

Maximum Sign Area	24 sq. ft.
Maximum Height	25 feet above grade

Figure 8.G.1.B - Awning or Canopy Sign Requirements



1. WCRAO Overlay

Awning signs shall be prohibited in the NRM, NG and NC Sub-areas of the WCRAO. **[Ord. 2006-004]**

2. Gas Station Canopies

No more than two canopy signs per station may be allowed in addition to the maximum allowable signage area for wall signs. Gas station canopy signs shall not exceed 18 inches in height. **[Ord. 2006-004]**

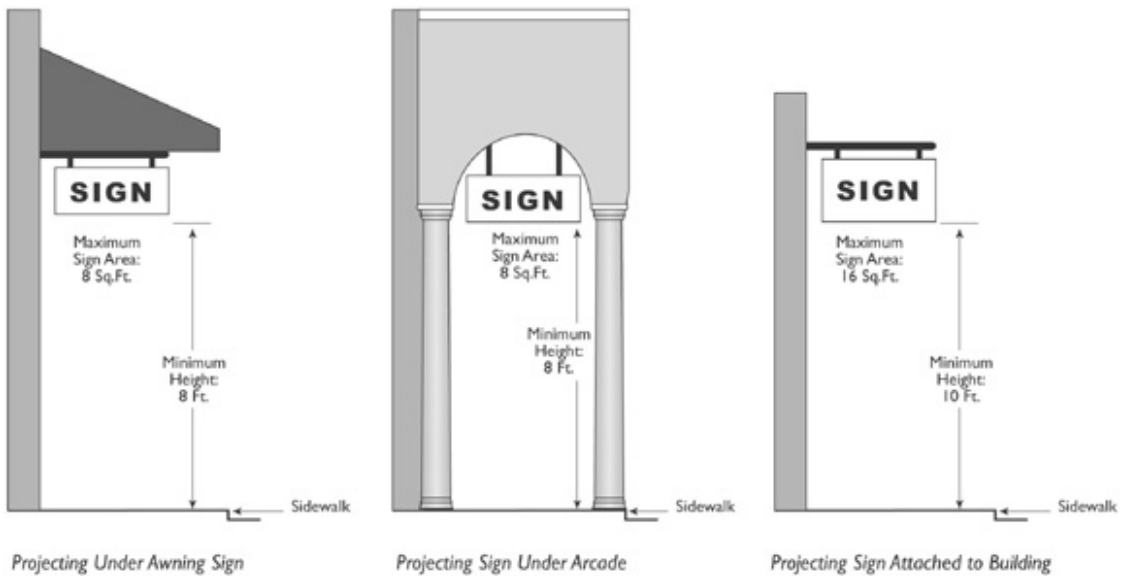
C. Projecting Sign

Projecting signs under canopies or covers in conjunction with pedestrian walkways are not included in the maximum allowable signage area for wall signs; however are subject to the standards in Table 8.G.1.C. Projecting Signs Standards, shall be placed perpendicular to the building façade and not project above the roof line. Projecting signs over a public sidewalk are included in the maximum allowable signage for wall signs. Projecting signs may include banners provided the sign and sign area conforms to the standards in Table 8.G.1.C, Projecting Sign Standards. **[Ord. 2005 - 002]**

Table 8.G.1.C - Projecting Sign Standards

	Under Awnings, Canopies or Arcades	Other Locations
Maximum Sign Area	8 sq. ft.	16 sq. ft.
Minimum Height	8 ft.	10 ft.
Maximum Height	n/a	20 ft.
Minimum Setback	n/a	5 ft.

Figure 8.G.1.C - Projecting and Under Awning Sign Standards



D. Marquee Signs

Marquee signs are allowed for theaters, stadiums, auditoriums, and similar uses subject to BCC approval. Marquee signs are not subject to wall sign area limits, but the maximum sign area shall not exceed one square foot for each foot of building wall. Marquee signs may be electronic message center signs, subject to Article 8.G.3.B, Electronic Message Center Signs, and have changeable copy. A marquee sign may project a maximum of six feet above the cornice of a building provided that it is architecturally integrated with the building. **[Ord. 2012-027]**

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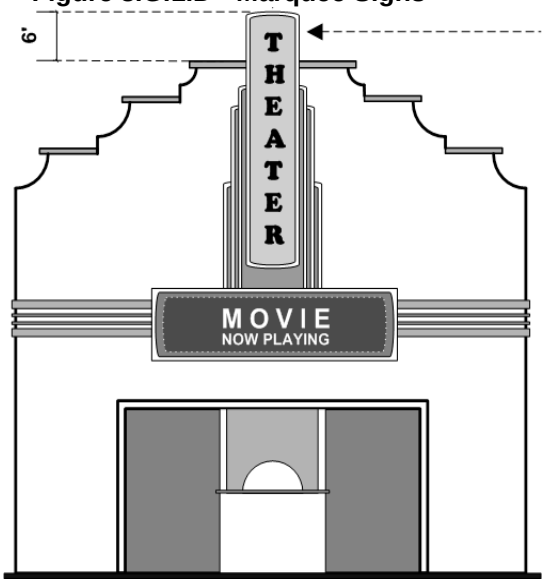
Figure 8.G.1.D - Marquee Signs

A marquee sign may project up to 6 feet above the cornice of a building so long as it is architecturally integrated with the building.



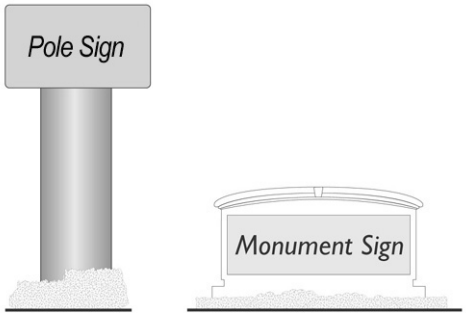
Maximum sign area = 1.5 Sq. Ft. for each linear foot of Building Wall.

[Ord. 2012-027]

Section 2 Ground Mounted Signs

Ground mounted signs consist of freestanding signs such as monument signs, outparcel identification signs, and entrance signs.

Figure 8.G.2 - Ground-Mounted Sign Types



A. Freestanding Signs

Freestanding signs are subject to the standards in Tables 8.G.2.A, Freestanding Sign Standards, and 8.G.2.A, Freestanding Signs: Maximum Heights.

1. Prohibitions

Freestanding signs shall be prohibited in the NRM, NG and NC Sub-areas of the WCRAO. **[Ord. 2006-004]**

2. Minimum Separations

Freestanding signs shall have a minimum separation of 75 feet from a residential zoning district or freestanding signs on abutting parcels. Freestanding signs in the same project, shall have a minimum separation of 50 feet.

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Table 8.G.2.A - Freestanding Sign Standards

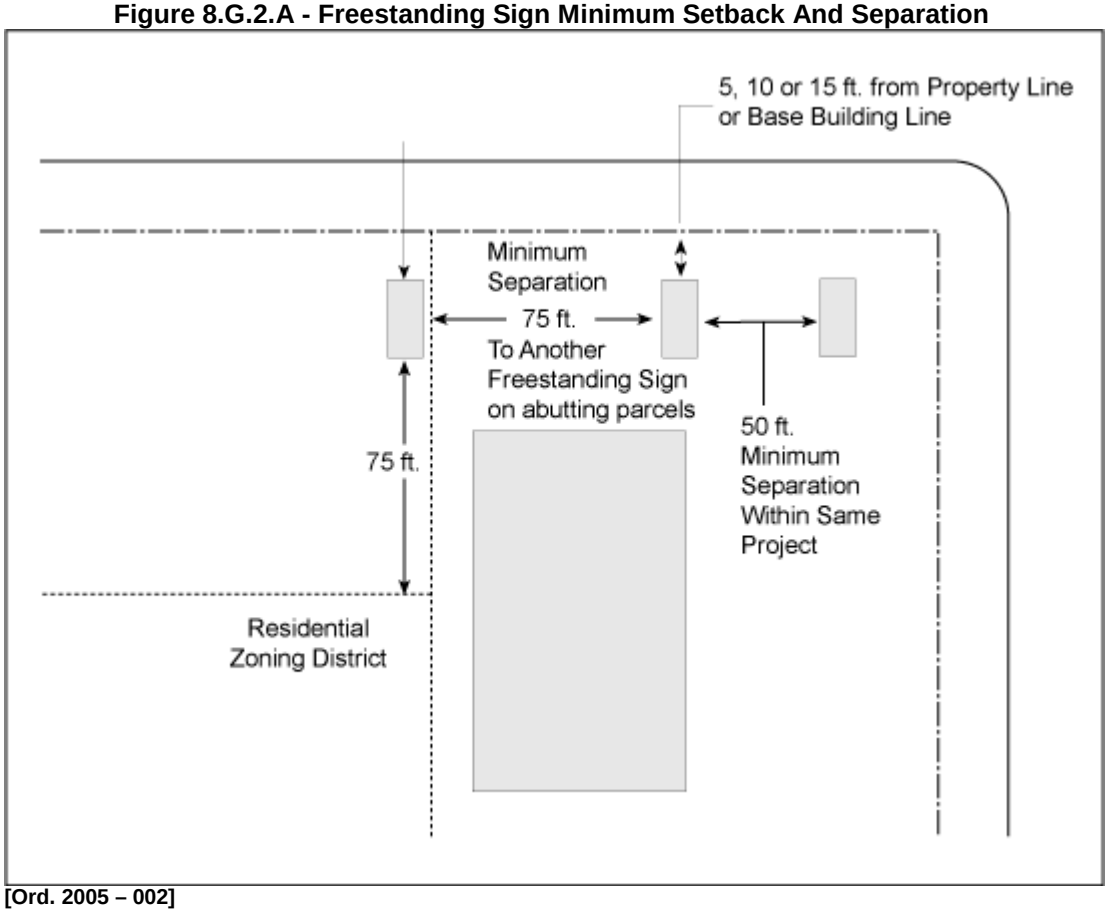
	U/S Tier (4)	AG-R Tier	Exurban, Rural, and Glades Tiers (4)
Maximum Number Per Project Frontage	3 (1)	2 (2)	1 (with minimum 150 ft. frontage)
Maximum Sign Area (per lineal ft. of frontage)	1.0 sq. ft.	0.75 sq. ft.	0.5 sq. ft.
Maximum Sign Area (per individual sign)	200 sq. ft.	150 sq. ft.	100 sq. ft.
Minimum setback (3)	5 ft.	10 ft.	15 ft.

[Ord. 2005-002] [Ord. 2006-036] [Ord. 2010-022]

Notes:

1. Number per frontage based on the frontage of the entire project or development, (1 sign per 200 ft. or less, 2 signs per 201-300 ft., 3 signs maximum per 301 ft. or greater in U/S Tier only);
2. Number per frontage based on the frontage of the entire project or development (1 sign per 200 ft. or less, 2 signs per 201 ft. or more in the AGR Tier only).
3. Freestanding signs shall have a minimum setback of 75 feet from a residential zoning district.
4. Development within the Suburban Transect Zone of an AGE may apply the U/S Tier standards.

Figure 8.G.2.A - Freestanding Sign Minimum Setback And Separation



[Ord. 2005 – 002]

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Table 8.G.2.A - Freestanding Signs: Maximum Heights

R-O-W Width	Maximum Height					
	C/C (1)		C/R (2)		R (3)	
	S (4)	PDD (5)	S (4)	PDD (5)	S (4)	PDD (5)
> or = 110 ft.	20	15	15	12	10	10
> or = 80 ft., or < 110 ft.	15	10	10	8	8	8
< 80 ft.	10	8	8	6	6	6

[Ord. 2007-013] [Ord. 2011-016]

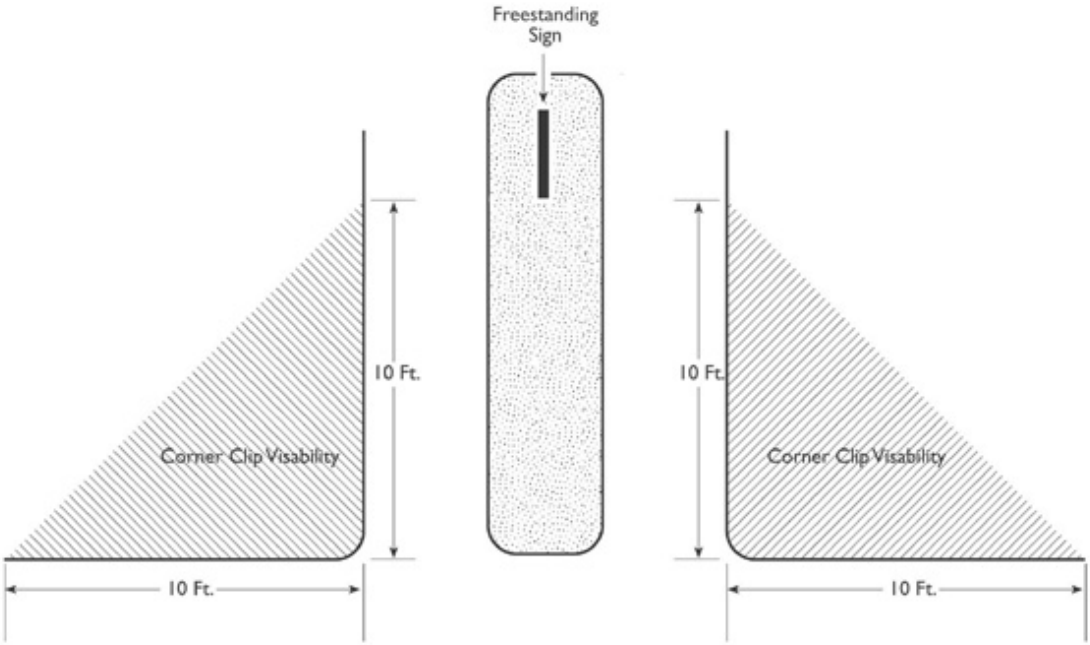
Notes:

1. C/C = commercial, industrial, or non-residentially zoned parcels adjacent to commercial, industrial or non-residentially zoned parcels.
2. C/R = commercial industrial or non-residentially zoned parcels adjacent to any residentially zoned parcel.
3. R = residentially zoned parcel.
4. S = Standard District.
5. PDD = Planned Development District.

3. Limitations in Median

Freestanding signs erected in a median within a driveway to a development shall not be located in corner clips or visibility areas unless they are less than 30 inches high and shall be set back a minimum of five feet from the face of curb, or from the edge of adjacent pavement where no curb exists. Signs that overhang a driveway shall be a minimum of 13.5 feet above the adjacent pavement.

Figure 8.G.2.A - Limitation In Median



4. Relationship of Sign Base to Sign Width

The total width of the sign base for signs shall be at least 30 percent of the width of the sign.

B. Outparcel Identification Signs

One freestanding out parcel identification sign may be allowed for each out parcel, subject to the standards in Table 8.G.2.B, Freestanding Outparcel Identification Signs, in addition to freestanding signs for PDDs and TDDs. This sign is excluded from the standards of Table 8.G.2.A, Freestanding Sign Standards. **[Ord. 2005 - 002]**

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Table 8.G.2.B - Freestanding Outparcel Identification Signs

	U/S Tier	AG-R Tier	Exurban, Rural and Glades Tiers
Maximum Number	1 per outparcel		
Maximum Sign Area	20 sq. ft.		
Maximum Height	6 ft.		
Minimum Separation	30 ft.		
Minimum Setback	5 ft	10 ft.	15 ft.
[Ord. 2005 – 002]			

1. Relationship of Sign Base to Sign Width

The total width of the sign base for signs shall be at least 30 percent of the width of the sign.

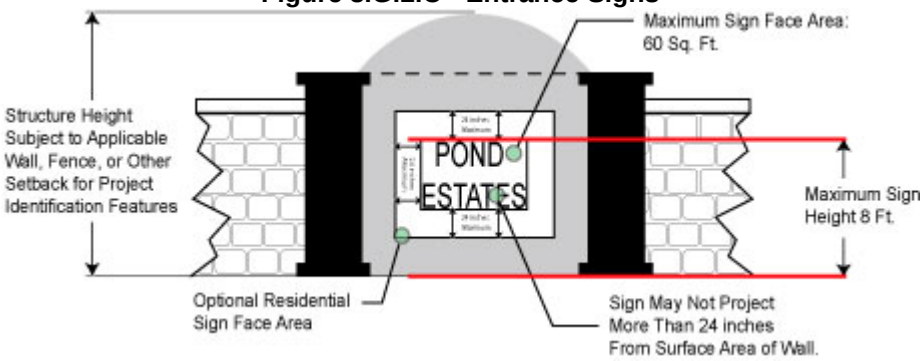
C. Entrance Signs

Entrance signs shall be permitted for the purpose of identifying a development, subject to the standards in Table 8.G.2.C, Entrance Sign Standards. **[Ord. 2006-036]**

Table 8.G.2.C - Entrance Sign Standards

Maximum Number	2 signs per entrance
Maximum Sign Face Area Per Sign	60 sq. ft.
Additional Residential Sign Face Area Option	If a decorative background element such as tile, stucco, or other building material or color is used, the maximum sign face area for such decorative treatment may be expanded 24 inches measured from the sign face area in each cardinal direction.
Maximum Height	8 ft.
Additional Residential Height Option	The maximum sign height, excluding the height of the structure to which the sign is attached may be increased up to ten feet for a R-O-W > 80 or = to 110 feet in width, or 12 feet for a R-O-W > 110 feet, subject to a 25 foot setback or the district setback, whichever is greater[1].
Maximum Projection	24 inches from surface of wall
Location	Attached to a wall, fence or project identification feature located at or within 100 feet of the entrance to a development.
Sign Copy and Graphics	Shall be limited to the name and address of the development.
Ord. 2006-036	
Notes:	
1. The maximum sign height, excluding the height of the structure to which the sign is attached may be increased up to 20 feet for signs fronting on the Rural Parkway in the AGR zoning district. **[Ord. 2006-036]**	

Figure 8.G.2.C - Entrance Signs



[Ord. 2006-036]

Section 3 Other Sign Types

The following signs are permitted subject to their own specific maximum allowable sign area and standards.

A. Mobile Signs

"A" frame type signs are allowed at business entrances on arcaded sidewalks in the U/S tier and in front of commercial or mixed-use buildings in TDD's.

B. Electronic Message Center Signs

Electronic message center signs shall only be allowed at regional facilities, facilities with serial performances, and, specialized attractions that, by their operating characteristics, have unique sign requirements. These signs shall be subject to Class A Conditional Use or Requested Use approval unless exempt under Article 8.B, EXEMPTION. Electronic message signs that only display time or temperature with a message unit less than 20 square feet in area shall be permitted in non-residential zoning districts, subject to issuance of a building permit. These signs shall not be required to comply with the requirements of Sections Sections 8.G.3.B.3, Location and 8.G.3.B.4, Required Findings. **[Ord. 2010-022]**

1. Prohibited Elements

a. Electronic message center signs in windows and externally visible;
b. Message units that change copy, light, color, intensity, words or graphics more than once per two seconds;
c. Reflectorized lamps; and
d. Electronic message center signs with lamps or bulbs over 30 watts.

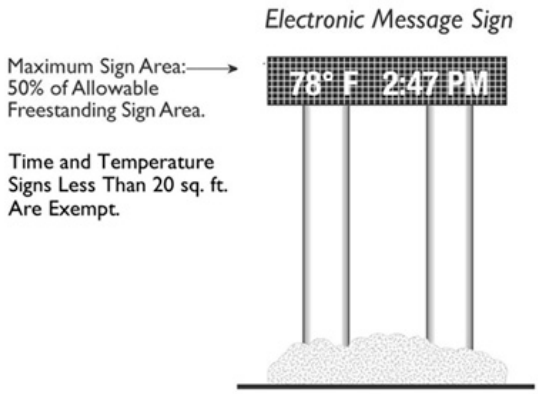
2. Standards

Electronic message center signs are subject to the standards in Table 8.G.3.B, Electronic Message Center Sign Standards, and the height standards for freestanding signs in Table 8.G.2.A, Freestanding Signs: Maximum Heights.

Table 8.G.3.B - Electronic Message Center Sign Standards

Maximum Sign Area	50 percent of allowable freestanding sign area (Table 8.G.2.A-7)
Minimum Setback: Front	15 feet
Minimum Setback: Side and Rear	30 feet
Minimum Setback: Side Street	50 feet

Figure 8.G.3.B.3 - Electronic Message Sign



3. Location

An electronic message center sign may be located in the following areas and subject to the following provision:

a. In a CG, CRE, PO, or IL zoning district or in a non-residential planned development.
b. Electronic message center signs may not be located within 100 feet of a residential zoning district or residential use.
c. Adjacent to roadways classified as arterials or expressways, and a minimum of 1,000 feet from any signalized intersection and/or existing electronic message signs; and
d. No more than one electronic message center sign shall be permitted per project.
e. Electronic message center signs are prohibited in the WCRAO. **[2006-004]**

4. Required Findings

The BCC may approve an application for an electronic message center sign upon finding that:

a. The sign will not create confusion or a significant distraction to passing motorists;
b. The sign is of the same architectural character as the building's principal use;
c. The sign will not be a nuisance to occupants of adjacent and surrounding properties; and

(This space intentionally left blank)

d. The sign is accessory to a use regional in scale and attraction that, by its nature, demonstrates a unique need to communicate more information than is ordinarily needed for a business or attraction.

5. Conditions of Approval

In reviewing an application for an electronic message center sign, the BCC may impose conditions to assure the sign is compatible with and minimizes adverse impacts on the area surrounding the proposed sign.

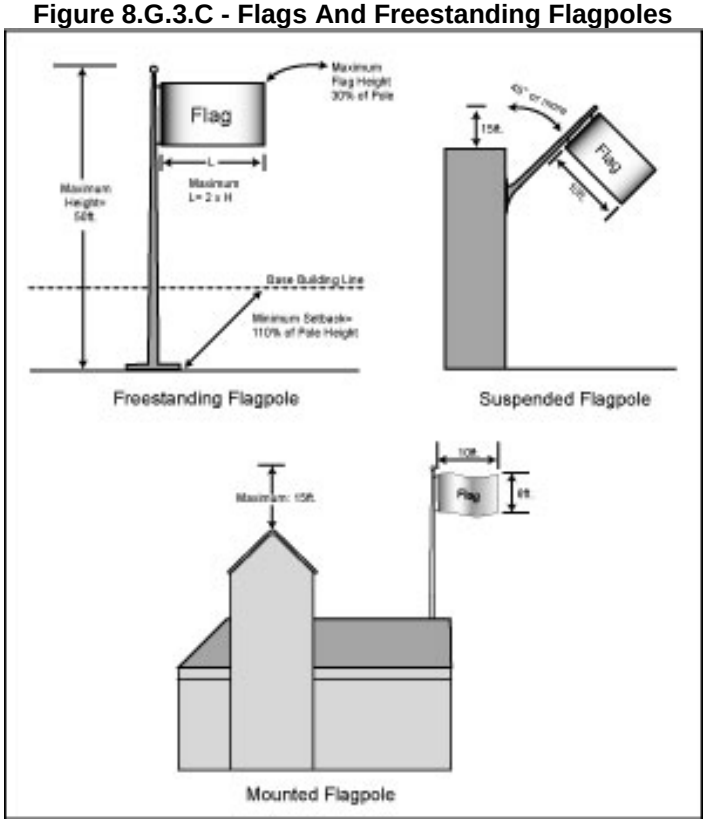
C. Flags and Freestanding Flagpoles

Flags and flagpoles are subject to the standards in Table 8.G.3.C, Flag and Flagpole Standards. Flag poles and related structures designed to display a flag require a building permit. **[Ord. 2008-003]**

Table 8.G.3.C - Flag and Flagpole Standards

Flags	
Maximum Number	3 flags per parcel
Maximum Ratio of Length to Height	2 to 1
Freestanding Flagpoles	
Maximum Flagpole Height	50 feet
Maximum Flag Height	30 percent of total flagpole height.
Minimum Setback	110% of pole height.
Wall Mounted or Suspended Flagpoles	
Maximum Height	15 feet above the highest point of the building or structure
Maximum Flag Size	6 feet by 10 feet
[Ord. 2005 – 002]	

Figure 8.G.3.C - Flags And Freestanding Flagpoles



[Ord. 2005-002] [Ord. 2006-036]

D. On-Site Directional Signs

Directional signage within developments and subdivisions shall be for communicating directions and facility information including on-site services. Directional signage shall contain no advertising copy other than the project logos, and shall be of a similar type and style throughout the development. Directional signs shall be subject to the standards in Table 8.G.3.D, On-Site Directional Sign Standards.

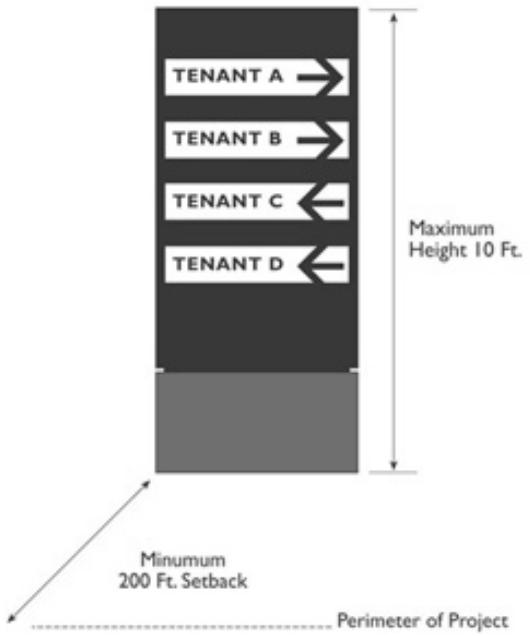
Table 8.G.3.D - On-Site Directional Signs Standards

	Residential Zoning Districts	Non-Residential Zoning Districts
Maximum Number	N/A	4 per parcel
Maximum Sign Area Per Sign	24 sq. ft.	20 sq. ft.
Maximum Height	7 ft.	10 ft.

1. **Large Developments**
   Developments with more than 250,000 square feet, 1,500 dwelling units, 2200 ft frontage or having a combination of these uses that exceed these thresholds on a proportional basis[1], may be allowed an unlimited number of direction signs up to ten feet in height, provided all signs are a minimum of 200 feet from the perimeter of the project.

[1] If half of the total floor area in a mixed use development is non-residential, then the proportional threshold is 125,000. Similarly, if half of the total floor area is residential, then the proportional threshold is 750 units.

Figure 8.G.3.D - Multiple Direction Signs



E. Project Identification Signs

Project identification signs are allowed for residential projects for the purpose of identifying the limits of the project. Project identification signs shall be subject to the standards in Table 8.G.3.E, Project Identification Sign Standards, and the following:

1. Project identification signs shall be attached to a buffer wall or project identification feature.
2. Project identification signs shall contain no advertising copy other than the project name or logo.
3. Project identification signs shall be permitted at the project corners only.

(This space intentionally left blank)

Table 8.G.3.E - Project Identification Sign Standards

Maximum Number	2 signs per road frontage with PUD access
Maximum Sign Area Per Sign	24 sq. ft.
Additional Residential Sign Face Area Option	If a decorative background element such as tile, stucco, or other building material or color is used, the maximum sign face area for such decorative treatment may be expanded 24 inches measured from the sign face area in each cardinal direction.
Maximum Height	U/S Tier: 8 ft. Ag. Reserve Tier: 6 ft. Exurban, Rural, & Glades Tiers: 6 ft.
Minimum Setback from Base Building Line	U/S Tier: 5 ft. AGR Tier: 10 ft. Exurban, Rural, & Glades Tiers: 15 ft.
[Ord. 2006-036]	

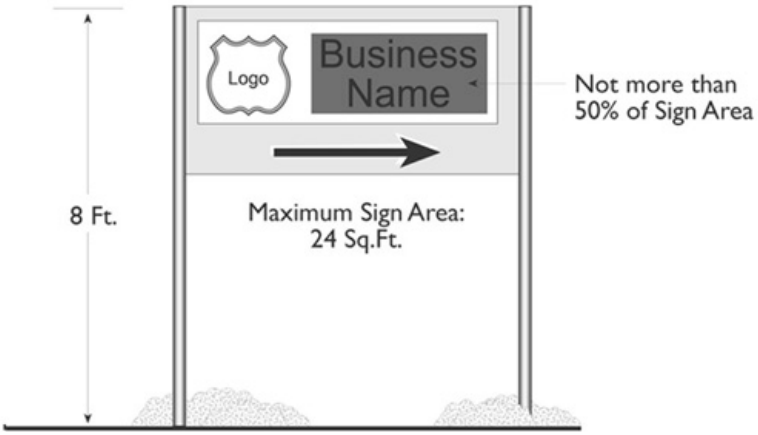
CHAPTER H OFF-SITE SIGNS

Off-site signs are allowed subject to the following standards.

Section 1 Off-Site Directional Signs Standards

Off-site, freestanding directional signs are allowed to communicate directional information, provided they meet the following requirements and the standards in Table 8.H.1, Off-site Directional Sign Standards. Off-Site directional signs are permitted only for parcels that have access to, but no frontage on arterial or collector streets.

Figure 8.H.1 - Off-Site Directional Sign



A. Structure Type

Off-site directional signs shall be completely independent, freestanding structures and not attached to any other structure, nor shall any structure, including other signs, be attached to an off-site sign.

B. Locations

Off-site directional signs shall be located in the following areas:

1. On a parcel abutting the parcel identified on the directional sign;
2. On a parcel subject to a recorded document insuring ingress and egress to the parcel identified on the directional sign;
3. On a parcel adjacent to an arterial or collector street;
4. Within 50 feet of the point of ingress;
5. A minimum of five feet from all base building lines; and
6. Not in a public R-O-W or public easement.

(This space intentionally left blank)

Table 8.H.1.B - Off-Site Directional Sign Standards

Maximum Number	1 per parcel for each access or frontage.
Maximum Sign Area Per Sign	24 sq. ft.
Maximum Height	U/S Tier: 8 ft. AGR Tier: 6 ft. Exurban, Rural, & Glades Tiers: 4 ft.

Section 2 Billboards

A. Purpose and Intent

It is the purpose and intent of the BCC to prohibit billboards and similar off-site signs in order to improve the aesthetic appearance of unincorporated PBC. It is also the purpose and intent of the BCC to remove and amortize all billboards and similar large off-site signs in order to cure the visual and aesthetic degradation caused by these structures and to achieve the goal of an aesthetically improved built environment.

B. WCRAO Prohibitions

Billboard signs are prohibited in the WCRAO, unless existing at the time of this amendment and identified in the stipulated billboard settlement agreement, Art. 8.H.2, Billboards. **[Ord. 2006-004]**

1. Each billboard company shall be provided with a complete copy of the 1988 billboard inventory.
2. The 1988 billboard inventory shall be revised by each billboard company to reflect the current status of billboards it owns or controls.
3. The revised billboard inventory shall include the location, height, size, and number of billboard faces.

C. Billboard Registration Permits

The Zoning Division shall establish a system of billboard registration permits. A registration permit shall be issued for each billboard not to be removed pursuant to the billboard stipulated settlement agreement. Billboard registration permits shall be issued as special permits, as provided in Article 2.D.2, Special Permit. Billboard registration permits shall be issued as provided below.

1. An application for a billboard registration permit shall include the following information:
   a. name, address, and telephone number of the billboard company owning or controlling the billboard;
   b. name of applicant;
   c. agent's authorization for the applicant to act on behalf of a billboard company;
   d. location, height, number of sign faces, and size of sign faces; and
   e. permit number or other acceptable evidence the billboard was lawfully erected.
2. Billboard registration permits shall be issued annually.
3. Applications for initial billboard registration permits shall be submitted no later than January 1, 1998 with the exception of registration permits for lawfully erected billboards located on federal aid primary highways. Applications for permits for the unregistered billboards on federal aid primary highways described above shall be submitted no later than January 10, 2004.
4. Billboard registration permits shall be valid for a period of one year and shall be renewed annually upon compliance with the terms of this Section and the billboard stipulated settlement agreement.
5. Renewals for billboard registration permits shall be submitted at least 60 days prior to expiration date of the existing registration permit.
6. PBC may charge a fee of $50.00 for the issuance of each billboard registration permit. This fee may be increased by the BCC from time to time.
7. Billboard registration permits shall be transferable if ownership of the billboard changes.
8. This billboard registration system shall not require “tagging” of billboards by the owner of the billboard structure.
9. Violations
   a. If a permit holder fails to submit fees required by this section prior to or upon the annual expiration date, PZB shall:
      1) Immediately issue a notice of violation as specified below; and
      2) Suspend acceptance of any new applications for off-premises signs from the same permit holder. No new permit applications shall be accepted from the same permit holder until final resolution of any disputes arising from the PZB's actions.
   b. In the event that disputes arise regarding the amount of annual license fees charged, the permit holder may establish an escrow account into which he shall pay an amount equal to that portion of fees and other charges assessed by PZB which is in dispute. PZB shall be named as the

beneficiary of the escrow account. This escrow account shall be established prior to the annual expiration date and shall remain in effect until final resolution of the dispute. Affected off-premises signs shall continue to be treated as illegal signs; however, as long as the escrow account remains in effect, they shall not be removed as provided in this subsection.

c. The notice of violation shall be sent by certified mail, return receipt requested. At a minimum, it shall:
   1) Indicate the total amount of annual fees due.
   2) Indicate that the permit holder has 30 days from the date of mailing in which to pay the total fee due.
   3) Assess an additional delinquency fee equal to 25 percent of the amount due.
   4) Inform the permit holder that failure to pay all required fees within the time allowed shall constitute a violation of this chapter and his off-premises signs shall thereupon be considered to be illegal.
   5) Inform the permit holder of the process established by this chapter for the removal of illegal signs.
   6) Inform the permit holder of his right to appeal the action of PZB, as provided in this subsection.

d. A copy of the notice of violation may also be prominently affixed to each off-premises sign.

D. Billboard Owners Not Party to the Stipulated Settlement Agreement

Any firm or individual owning billboards may become eligible to utilize the provisions of this Section provided they execute an agreement consistent with the stipulated billboard settlement agreement. Such firms or individuals shall execute an agreement as approved by the County Attorney's Office.

E. Removal of Billboard Sign Faces

Each billboard company that has signed or agreed to the stipulated billboard settlement agreement, or similar agreement as approved by the County Attorney, shall permanently remove ten percent of the total of sign faces it owns or controls. Billboard companies that have signed the stipulated settlement agreement shall remove the sign faces within one year following adoption of this amendment to the ULDC. Billboard companies that execute an agreement approved by the County Attorney shall remove the sign faces within one year following execution of the agreement.

1. The total amount of sign faces to be removed shall be calculated utilizing the billboard inventory. The sign faces shall be removed utilizing the procedure set forth below.
2. The sign faces to be removed shall be identified in Exhibit "A" of the billboard stipulated settlement agreement or similar agreement. However, the sign faces to be removed as identified in Exhibit "A" may be substituted for reasons established in the stipulated billboard settlement agreement.
3. The Building Division, with the written approval of the Zoning Division, shall issue a demolition permit for each sign face to be removed.
4. The demolition permit shall be in a form prepared by the Zoning Division, and shall include the location, permit number, name of billboard company, and date when such sign face is to be removed.
5. Each billboard company shall provide a statement, in a form approved by the PBC Attorney's Office, certifying the removal of a sign face. Removal of the sign face shall include the entire billboard structure.

F. Relocation of Billboards

Billboards may be relocated subject to the provisions of the billboard stipulated settlement agreement or similar agreement. Billboard relocation shall occur as indicated below:

1. A billboard company shall notify the Zoning Division in writing of its intent to relocate a billboard. The written notification shall be provided at least 30 days prior to the intended date of demolition and relocation, unless otherwise waived by the Zoning Director.
2. Each billboard to be relocated shall be assigned a billboard registration permit. The Zoning Division shall verify the request for relocation, subject to the billboard stipulated settlement agreement. Upon verification of the request for relocation, the Building Division shall issue a demolition permit for removal of the affected billboard.
3. For each billboard demolished, a billboard company shall provide verification of the demolition. A Certificate of Completion of Demolition from the Building Division shall act as the verification of the demolition. **[Ord. 2005 – 002]**
4. Each billboard demolished subject to this Section may be relocated. The combination of a proof of billboard registration from the Zoning Division, a billboard demolition special permit from the Zoning Division, and a Certificate of Completion of Demolition from the Building Division shall be required prior to submitting application for a billboard relocation special permit. **[Ord. 2005 – 002]**

5. A billboard relocation special permit application shall be submitted within four years from the issuance of the Certificate of Completion of demolition from the Building Division. The relocation of the billboard shall be confirmed with a Building Department Certificate of Completion submitted to the Zoning Division no later than the end of the fifth year. Failure of the applicant to submit to the Zoning Division the Certificate of Completion from the Building Division for the relocation of the billboard by the end of the fifth year, or by date specified in a condition of approval in the special permit, shall result in the relocation special permit becoming null and void. This requirement shall not be applicable to previously completed billboard relocations. **[Ord. 2005 – 002]**
6. A billboard relocation permit shall allow construction of a billboard with the same or lesser number of faces as contained on the demolished billboard. Two relocated single face, single billboard structures may be combined into a new two-face billboard structure.
7. A relocated billboard may be constructed only within the following comprehensive plan land use categories: “CH” (Commercial High), “CL” (Commercial Low), or “I” (Industrial).
8. Within the CH, CL, and I future land use plan categories, a relocated billboard may only be located within the following zoning districts: CG, CC, IL, IG, MUPD, and PIPD.
9. Any billboard proposed for relocation within a conditional use, planned development, or similar project with an approved signage plan shall obtain approval for the relocation from the BCC, which shall retain the same discretion it exercised when granting the original development approval. If the billboard relocation requires modification of a signage plan that does not require BCC approval, the relocation shall be approved by the DRO, subject to the requirements of this Section and the billboard stipulated settlement agreement.
10. Relocation of a billboard to a PDD shall comply with the height and setback requirements for structures approved in the master plan. If modification of signage located within a PDD does not require BCC approval, such modification of signage shall be approved by the DRO.
11. A relocated billboard shall not be relocated on property assigned a residential, agricultural, or conservation zoning designation. For the purposes of this Section, residential, agricultural, and conservation zoning districts shall be as described in the billboard stipulated settlement agreement.
12. All relocated billboards shall be located within an area containing a front dimension containing at least 500 linear feet. This linear dimension may include property abutting a public R-O-W.
13. The height of any relocated billboard shall not exceed 40 feet above finished grade, excluding temporary embellishments.
14. A relocated billboard shall comply with the setbacks listed below:
    a. Front: the lesser of 15 feet or the required district setback.
    b. Side: the lesser of the billboard's previous setback or the required district setback.
    c. Rear: the lesser of the billboard's previous setback or the required district setback.
    d. Side corner: the lesser of the billboard's previous setback or the required district setback. If applicable, the required district side corner setback may be reduced to 15 feet when the specific lot configuration makes relocation of the sign structure impossible based on application of the required district setback.
15. A relocated billboard shall not be constructed within a lateral distance of at least 250 feet of any residential zoning district located on the same side of the street. The lateral distance shall be measured along the street R-O-W, and shall include public R-O-W. This requirement shall supersede any other setback requirements established by this Section.
16. When a relocated billboard will be placed on a public R-O-W which:
    a. is designated by PBC for an ultimate width of 120 feet less, and,
    b. abuts a residential zoning district across the street, then a residential "clear zone" shall be established.
17. The “clear zone” shall extend at least 170 feet from the front setback of the billboard. The “clear zone” shall be the public R-O-W. Any portion of the “clear zone” located within the abutting residential district shall not contain any existing or proposed residential use.
18. When a relocated billboard will be placed on a public R-O-W which:
    a. is designated by PBC for an ultimate width of more than 120 feet but less than 170 feet, and,
    b. abuts a residential zoning district across the street;
    c. then a residential "clear zone" shall be established;
    d. the "clear zone" shall extend at least 170 feet from the front setback of the billboard. The "clear zone" shall be include the public R-O-W. Any portion of the "clear zone" located within the abutting residential district shall not contain any existing or proposed residential use.
19. When a relocated billboard will be placed on a public R-O-W which:
    a. is designated by PBC for an ultimate width of more than 170 feet, and;

b. abuts a residential zoning district across the street, then a residential "clear zone" is not required.

20. For the purposes of this Section, a residential "clear zone" may include such uses as landscaping, perimeter buffers, vegetation preservation areas, drainage facilities, roads, recreational areas, and similar nonresidential uses.
21. A relocated billboard shall not be placed within 120 feet of any residential zoning district located across from, but not directly abutting, a public R-O-W. For the purposes of this Section, the 120 feet distance shall be measured from the rear of the billboard to the nearest point of the residential zoning district.
22. For relocated billboards, the setback shall be measured from the property line.
23. A billboard shall not be relocated to a site on a road with an R-O-W width of less than 80 feet.
24. The number of billboards to be relocated during any 12-month period shall be limited by the stipulated billboard settlement agreement.
25. A minimum separation of at least 500 feet from any other existing or relocated billboard that is not on the same structure must be maintained.

G. Billboard Replacement

A replacement for an existing billboard may be constructed consistent with the provisions of this Section.

1. Shall be located within the permitted billboard location.
2. A replacement billboard shall remain on the same side of the public R-O-W.
3. Existing billboard or the setbacks provided by the zoning district.
4. For replacement billboards, the front setback shall be measured from the property line.
5. A replacement billboard may be constructed at the same or lesser height of the existing billboard.
6. The sign face or faces of the replacement billboard shall not exceed the size of the sign face or faces of the existing billboard.
7. A replacement billboard shall contain the same number, or lesser number, of sign faces as the existing billboard.
8. When an existing billboard is located on property that is being or has been acquired for public road R-O-W purposes, the billboard location criteria of this Section may be waived subject to approval of a Type I Waiver. The DRO may approve the Type I Waiver for billboard location criteria when the width of the R-O-W to be acquired will not allow billboard replacement consistent with the intent of this Section. **[Ord. 2012-027]**
   a. Supplemental billboard regulations.
      1) Roof-mounted billboards are prohibited.
      2) Billboards shall not be relocated to a site on a road with an R-O-W width of less than 80 feet.
      3) The number of billboards to be relocated during any 12-month period shall be limited by the stipulated billboard settlement agreement.
      4) Billboard illumination shall be directed only towards the billboard face.
      5) Following execution of the stipulated billboard settlement agreement, billboards shall be legal, conforming structures, and may be repaired and maintained as provided by the applicable building codes of PBC. Billboards to be removed by the operation of the stipulated billboard settlement agreement may be repaired and maintained as legal structures. However, any expenses incurred for such repair and maintenance shall the sole responsibility of the billboard owner, and PBC shall incur no liability for such expenses.
      6) Billboard registration permits may be sold, transferred, or exchanged without regard to participation in the stipulated billboard settlement agreement.

H. Repair and Maintenance of Billboards

All billboards shall be maintained in good repair. Repair and maintenance of billboards shall be exempt from the limitations of Article 1.F, NONCONFORMITIES. Repair and maintenance of billboards shall not include any improvement which increases the height, size, or number of billboard faces. Temporary embellishments may be included as part of normal maintenance and repair of billboards.

I. Effect of Annexation

1. Any billboard included within the billboard stipulated settlement agreement that is annexed shall not be eligible for relocation into any unincorporated area.
2. The billboard registration permit for any billboard included within the billboard stipulated settlement agreement that is annexed shall be void upon annexation.

J. Appeals

Appeals of any decision by the Zoning Director or Building Director regarding interpretation or implementation of this Section or the billboard stipulated settlement agreement shall be made to the BCC in accordance with Article 1.B, INTERPRETATION OF THE CODE.

CHAPTER I ADMINISTRATION AND ENFORCEMENT

Section 1 Zoning Division Review

The Zoning Division shall complete its review of all final approvals required by this Article within 30 days from the date of a fully completed application for a building permit, as determined by the Zoning Division, that has been submitted for Zoning Division review. For the purposes of this Article, final approval shall mean approval from the Zoning Division issued in conjunction with a building permit for the ultimate placement and construction of a sign. The Zoning Division shall either approve or deny the application within this review period. Upon expiration of this review period, the applicant may demand the required approval and proceed with the building permit approval process as though the Zoning Division approval required under this Article has been granted. If a building permit is issued, the applicant may display the sign until the Zoning Division either grants the required approval, or notifies the applicant of a denial of the application and states the reasons for the denial.

Section 2 Enforcement

PBC may enforce the provisions of this Article by all means available to it including but not limited to enforcement proceedings before the PBC Code Enforcement Special Masters pursuant to Art. 10, ENFORCEMENT, imposition of fines under Art. 10.B.3, Administrative Fines; Costs; Liens, and initiation of any civil or administrative proceeding to prevent, restrain or abate any act prohibited by the Article.

Section 3 Persons Responsible for Compliance

Persons who will be charged with violations of this Article are:

A. The owner, agent, lessee, tenant, contractor, or any other person using the land, building, or premises where such violation has been committed or exists; and
B. Any person who knowingly commits, takes part or assists in such violation.

Section 4 Removal of Signs in Violation of this Article

Any sign, banner, or sign structure not constructed or located in conformance with this Code is an illegal sign and is subject to the following procedure for notification, removal, and storage:

A. Tagged Notice
If a sign is erected, constructed or located in violation of this Code, PBC shall attach a notice to the sign stating the violation and any corrective measures needed to bring the sign into compliance with this Article. The notice shall further specify that the sign may be removed after ten days have lapsed from the date the tagged notice was placed on the sign, if the specified corrective measures have not been taken.

B. Storage and Removal
If corrective measures have not been complied with after ten days of placement of the tag on the sign, PZB may remove and store the sign in an appropriate storage facility at the expense of the sign owner. The storage period shall be for at least 30 days.

C. Mailed Notice
Upon removal and storage of the sign by PZB, a Notice of Violation and Removal and Storage shall be sent directly to the named owner of the sign, if the owner's address can be readily ascertained from the sign or the address where the sign was located. The notice shall also provide information as to where the sign is stored, how the sign may be reclaimed, and the owner’s right to appeal.

D. Return or Destruction
Any sign which has been removed from private property pursuant to the above provisions may be claimed by and returned to the property owner. Release of any sign shall be by written authorization of the Director of Code Enforcement upon proof of ownership and payment of a sum appropriate to compensate PBC for the expense of locating, tagging, mailing notice, removing, and storing the sign. Any sign that remains unclaimed after 30 days from the date of removal shall become the property of PBC and may be disposed of in any manner deemed appropriate by PBC.

E. Destruction and Unpaid Fees
Destruction of the illegal sign shall not extinguish any claim for payment of unpaid fees. Any cost associated with removal of an illegal sign, including cost of collecting unpaid permit, may also be assessed to the sign owner. No new sign permit application will be accepted from the owner of an illegal sign until all fees and costs associated with removal and storage of any illegal sign(s) are paid.

F. Illegal Signs in Public R-O-W

Illegal signs in the public R-O-W may be immediately removed by PBC. Such signs need not be stored and may be immediately disposed of in any manner deemed appropriate by PBC. However, if the approximate value of the sign or other structure is determined to be greater than $500.00 and the sign bears the name of the owner, the sign owner shall be notified and the sign shall be removed, stored, or returned, as the case may be, in accordance with the procedures in this Section. **[Ord. 2008-003]**

Section 5 Appeals

An aggrieved person has the right to immediately appeal a denial of an application for a permit or other approval required by this Article, or any notice of intent to remove or destroy a sign in violation of this Article, to the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida. Any such appeal to the Circuit Court shall be filed within thirty days of the mailing of the written notice of a denial of a permit or other approval contemplated by this article, or within 30 days of the mailing of a notice of violation and removal and storage issued pursuant to this Article.

Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2005-041; September 1, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-001; January 31, 2007] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2010-022; September 1, 2010] [Ord. 2011-016; September 6, 2011] [Ord. 2012-027; August 31, 2012] [Ord. 2013-021; August 30, 2013]

Florida's Last Frontier

Town of

LOXAHATCHEE GROVES

UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE

Item 3.a.8. Discussion of Residential Enterprise and Home Offices *(Item again referred to the ULDC Review Committee by the Town Council at its 10-1-13 meeting)*

Property owner. The person or entity holding title to real property as indicated in the current tax roll of Palm Beach County, unless the Town has received by certified mail an official document establishing that a person or entity other than the person or entity shown on the tax roll is the actual owner.

Public property. All streets, canals, waterways, other rights-of-way, lands, and improvements owned by a governmental agency.

Quarry. A place where natural materials or deposits are excavated for use as building materials, road materials, land fill, etc. at a different location. The excavation of materials for use on the premises where the excavation occurs shall not be included in this definition.

Refuse. Unwanted or undesired material or substance including rubbish, junk, trash, garbage, excess fill or compost, and animal manure.

Residential enterprise. A low impact home-based business on property that has a homestead exemption.

Residential plot. See "plot, residential."

Residential zoning district. Agricultural Residential (AR) zoning district.

Residentially zoned land. Any land or water area within a residential zoning district.

Restaurant. A building or room, where food is prepared and served for pay, which may include consumption on the premises.

Restaurant, fast food. A restaurant which functions for the purpose of serving either short-order meals or individual food items, but is not a full service restaurant as defined herein. A fast food restaurant may or may not have drive-thru window.

Restaurant, full service. A restaurant which functions for the purpose of serving complete meals both ordered from a menu and brought to the customer via table service by a restaurant employee, prepared and cooked in a kitchen within the restaurant for on-premises consumption, but shall include cafeterias. Full service restaurants do not have drive-through windows.

Retail store. A commercial establishment for the sale of merchandise directly to the ultimate consumer.

Right-of-way. An area of land and/or water that has been dedicated, deeded, reserved, or otherwise conveyed to the public for public use, ownership and control, and intended to be occupied by uses such as a street, walkway, trail, utility infrastructure, canal or other storm water conveyance. The term "right-of-way" shall mean "public right-of-way" unless preceded by the word "private," which for the purpose of the ULDC shall have the same meaning as an easement.

Right-of-way line. See "street line."

Right-of-way line, ultimate. See "street line, ultimate."

Governmental facilities. A building or complex of buildings that house the administrative offices of the Town of Loxahatchee Groves, any department, commission, district, authority, board, independent agency or instrumentality of the United States, the State of Florida, county, or any other governmental unit.

Grade, established or finished. The elevation of land above mean sea level in its final, graded condition.

Guest cottage. A structure or any part of a structure ancillary to a detached single-family dwelling unit, excluding mobile homes, and located on the same plot as the principle dwelling unit, that is occupied in whole or in part as the temporary residence or living quarter of one or more persons. This definition shall include any such living quarter that is connected to the principal dwelling unit by an open or enclosed breezeway or other structure that serves to merely connect the guest quarter to the principal dwelling, as contrasted with a customary home addition that is physically and functionally integral to the principal dwelling.

Habitable room area. The total floor area of a dwelling unit excluding closets, bathrooms, garages, utility rooms, storage areas, and rooms not accessible from the interior of the dwelling unit.

Hazardous substances. Any substance or material which, by reason of its toxic, caustic, corrosive, abrasive, explosive, pyric, or otherwise injurious properties, may be detrimental or deleterious to the health or safety of any person handling or using or otherwise dealing with such material or substances.

Height. For all buildings and structures, except as provided below, the vertical distance from the highest point of finished grade at the location of the building pad to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof, to the mean height level between eaves and ridge for gable, hip and gambrel roofs, and to the highest point of any non-roofed structure, provided that any portion of the finished grade exceeding ten feet N.V.G.D. shall be included in the height calculation. Sign height is defined within Article 90, "Signs." For structures other than buildings and signs, height shall be the vertical distance from the finished grade below the structure to the highest point of the structure, provided that the height calculation of structures placed on berms shall include the height of the berm.

Holiday wayside stand. A temporary outside sales location for the retail sale of holiday items associated with the particular holiday for which the location is established, and not associated with or part of any existing use on the plot upon which it is located.

Home occupation. Conduct of a business in a home office.

Home office. An office designed for and operated as a business location within the confines of a dwelling unit, and carried on only by persons owning and living in the dwelling unit, and involving only written correspondence, phones, computers, or other common office equipment, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. Home offices shall preclude any business operation that requires or permits

customers, patrons, or other employees to visit the dwelling or is conducted within any structure other than the primary residence. The dwelling in which a home office is located shall have a homestead exemption.

Hospital. An institution providing primary health services, medical and/or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, handicap and other physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel. A public lodging establishment containing individual rooms or suites of rooms accessed primarily through an inside lobby, each having a private bathroom, for the purpose of providing overnight, transient lodging accommodations to the general public for compensation with or without meals, which has common, on-site facilities for reservations, cleaning services and on-site management, and may provide additional, accessory services such as restaurants, meeting rooms, health and fitness, spa, entertainment and/or recreational facilities.

Household pet. An animal that resides in the dwelling with its owner, kept for companionship and enjoyment.

Impervious area. Any area with a surface that is covered or hardened so as to prevent or impede the percolation of water into the soil mantle, including swimming pools, water bodies and areas covered with brick pavers.

Inflammable liquid. Any liquid, which under operating conditions gives off vapors which, when mixed with air, is combustible and explosive.

Kennel, private. Any building or land used, designed or arranged to facilitate the non-commercial, private care of domestic animals, such as dogs and cats, owned by the occupants of the premises and not used for a commercial or not-for profit organization such as a dog club.

Kennel, commercial. A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit.

Kitchen, complete. A room or area within a building designed or used primarily for providing food storage and food preparation that contains, at least a sink with piped water, refrigerator and conventional gas or electric range or cook stove facilities.

Land, platted. Any land recorded by plat in the Palm Beach County Public Records, and can be referenced by a plat name, plat book and page.

Land, unplatted. Any land or part thereof not recorded by plat in the Palm Beach County Public Records and cannot be referenced by plat name, plat book and page.

Library. A building or room in which literary, musical, artistic or reference materials, such as books, manuscripts, recordings, films, paintings, etc., are kept for public use.

Section 80-005. Purpose and intent.

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

Section 80-010. Compliance with conditions.

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

Section 80-015. Home offices.

Home offices as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" shall be permitted in all residential zoning districts subject to the following limitations:

(A) Commercial vehicles associated with the home office in all residential districts shall be subject to Section 20-010(G).

(B) No sign or any other evidence of the existence of the home office shall be visible from the exterior of the dwelling unit.

(C) The property must have a homestead exemption.

Section 80-020. Residential enterprise.

Residential enterprises as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" shall be permitted in all residential zoning districts as a use accessory to a principal residential use and subject to the following limitations:

(A) *Resident of property.* The plot on which a residential enterprise is located shall be occupied by the owner who shall provide proof of a homestead exemption within one year of establishing the residential enterprise.

(B) *Size of property.* Residential enterprises shall be permitted on properties of five acres or more in size.

(C) *Location of residential enterprise.* A residential enterprise shall be conducted only within an accessory building on the property where the main dwelling is located, and not within the dwelling.

(D) *Number of accessory buildings.* There shall be a maximum of two accessory buildings used for a residential enterprise.

(E) *Size of accessory buildings.* The total floor area ratio (F.A.R.) of all accessory buildings used for a residential enterprise shall not exceed 0.01.

(F) *Appearance of accessory buildings.* The accessory buildings used for a residential enterprise shall be in the same style and have the same architectural appearance as the principal residential use.

(G) *Employees or contractors.* In addition to any person(s) who are the residents of the property, there shall be a maximum of two outside employees or contractors who assist with the residential enterprise.

(H) *Clients or customers.* No client or customer shall be allowed on the premises to transact business of any nature.

(I) *Delivery.* Merchandise or goods shall be shipped by way of the U.S. Postal Service, United Parcel Service, Federal Express or similar small package carrier. If other commercial carriers are required, the residential enterprise shall be deemed to require a Special Exception pursuant to Article 170.

(J) *Commercial vehicles.* Commercial vehicles associated with the residential enterprise shall be subject to Section 20-010(G).

(K) *[Adult entertainment.]* Adult entertainment or the production of adult entertainment materials is prohibited.

Exceptions to the foregoing limitations shall be subject to approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in Section 170-025(A) for Special Exceptions.

Section 80-025. Outdoor event permits.

(A) *[Issuance.]* Permits for certain outdoor events may be issued subject to the granting of a Special Exception and subject to compliance with this section.

(B) *Minimum site requirements.* All outdoor events shall require a minimum of five acres of open space with not less than 200 feet of street frontage on a public right-of-way.

(C) *Setbacks.* No activity, temporary tent, mechanical device, temporary sanitary facility, or animal associated with any outdoor event shall be closer than 300 feet from any surrounding residential plot, nor closer than 100 feet from a street line.

(D) *Access.* Vehicular access onto any plot used for an outdoor event shall be only from a public street as specified in subsection (B), above.

(E) *Parking.* Event parking shall comply with the requirements of Article 95, "Parking and Loading" insofar as the amount of spaces required, minimum parking space size, and minimum aisle widths. All parking spaces may be on an unpaved surface. Temporary barriers, guides, signs, and other temporary markings shall be erected and placed around and within the parking area to facilitate safe and efficient vehicular traffic flow on site.

(F) *Lighting.* Temporary lighting used to illuminate the outdoor event after dusk shall be designed and arranged to reflect away from adjacent properties and away from any street, and shall comply with Section 50-030, "Outdoor Lighting."