

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



**TENTATIVE -
SUBJECT TO
REVISION**

**Town of Loxahatchee Groves
Planning & Zoning Board/LPA Meeting
Thursday, April 10, 2014 at 7:00 p.m.**

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

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

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

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

PUBLIC NOTICE/AGENDA

1. OPENING

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

2. **MINUTES**

- a. Planning and Zoning Board Minutes for Approval – **March 13, 2014**

3. **OLD BUSINESS**

- a. Discussion of Home Occupations / Home Businesses / Residential Enterprises

4. **NEW BUSINESS** – *None*

5. **LOCAL PLANNING AGENCY**

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

- b. **NEW BUSINESS**

1) **ORDINANCE NO. 2014-04 (Livestock Waste – Property Owners)**

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

2) **ORDINANCE NO, 2014-05 (Guns, Firearms, Gun Range Regulations)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE

GROVES, FLORIDA, AMENDING THE TOWN’S UNIFIED LAND DEVELOPMENT CODE TO ELIMINATE REGULATIONS RELATING TO GUNS, FIREARMS AND GUN RANGES TO ADDRESS STATE PREEMPTIONS OF THE REGULATION OF THESE SUBJECTS; PROVIDING FOR INTENT OF THE TOWN TO COMPLY WITH THE STATE’S PREEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

6. COMMENTS FROM THE BOARD

7. ADJOURNMENT

*The next Planning and Zoning Board Meeting is tentatively scheduled for
May 8, 2014, at 7:00 p.m.*

Comments Cards: Anyone from the public wishing to address the P&Z Board must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the P&Z Board with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk’s Office (561-793-2418), at least 48 hours in advance to request such accommodation.



2.a. Minutes

March 13, 2014

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



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

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

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

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

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

MINUTES

1. OPENING

- a. Call to Order & Roll Call

Board Member Keith Harris called the meeting to order at 7:10 p.m. In attendance were Board Members Keith Harris, Lawrence Corning and First Alternate Veronica Close. Chair Dennis Lipp, Vice-Chair Robin Crawford, Board Member Grace Joyce and Second Alternate Byrnes Guillaume were absent. Also in attendance were Town Manager Mark Kutney, and Town Clerk Janet K. Whipple.

Motion: As the Chair and Vice-Chair were not in attendance, Board Member Close made a motion to nominate Board Member Harris to Chair the meeting. Board Member Corning seconded the motion. Upon vote the motion passed 3/0.

b. Approval of Agenda

Motion: Board Member Close made a motion to approve the agenda as presented. Board Member Corning seconded the motion. Upon vote, the motion passed 3/0.

2. MINUTES

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

Board Member Close made corrections to the minutes.

Motion: Board Member Close made a motion to accept the minutes as amended. Board Member Corning seconded the motion. Upon vote, the motion passed 3/0.

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

Chair Harris brought to the Board's attention, since there were only three members present, would the members in attendance wish to defer this item until the next meeting.

Town Manager Kutney stated that Town Council felt very strongly that this item should come before the Planning and Zoning Board; however, other items were coming before the Town Council that may constituted a Special Planning and Zoning Meeting, and the Board could add this item to the future Special Planning and Zoning Meeting. With more members present, Town Manager Kutney felt this discussion would fulfill the deliberation Council was looking for in terms of input.

Chair Harris opened the floor for discussion.

Board Member Corning commented on the fact that this particular topic had been deferred many times, and questioned why there was such a problem coming to a decision.

Board Member Close has no problem deferring this item to the next meeting.

Motion: Board Member Close made a motion to defer the discussion of home occupations, home businesses, and residential enterprises to the Planning and Zoning Special Meeting or the next Regular Planning and Zoning Meeting.

Board member Close expressed concern that official action was being taken with only two (2) Regular Board Members present.

Discussion ensued.

Town Manger Kutney provided background on service based entities.

Chair Harris passed the gavel to Board Member Close, and seconded the motion to defer the item to the next scheduled Planning and Zoning Meeting.

Board member Close passed the gavel back to Chair Harris.

Nina Corning, 2834 E Road, opened discussion on the necessary number of board members needed to vote.

Board Member Close reiterated that her motion was to allow full participation of the Board Members and to have a full quorum.

Virginia Standish, 15410 N Road, commented on services versus commercial enterprises.

Upon vote, the motion passed 2/1, with Board Member Corning dissenting.

NEW BUSINESS – None

4. LOCAL PLANNING AGENCY

- a. **OLD BUSINESS -None**
- b. **NEW BUSINESS - None**

Town Manager Kutney, in response by a question from Board Member Corning, provided a brief report on the livestock waste ordinances which will be coming before Town Council, and the difference between bona fide agriculture and non bona fide agriculture in terms of the receiving.

Nina Corning, 2834 E Road, reported on *Best Management Practices*.

5. COMMENTS FROM THE BOARD

Board Member Close had no comments.

Board Member Corning commented on the amount of commercial going on within the Town. He would like to see some leadership from Town Council in whatever direction they choose. Many retailers are cutting back, yet we are creating more retail space.

Chair Harris reiterated that the *Best Management Practices* from the Department of Agriculture are still a benefit, as they are orientated towards water quality control.

6. ADJOURNMENT

Motion: Board Member Close made a motion to adjourn the meeting. Board Member Corning seconded the motion. Upon vote, the motion passed 3/0.

There being no further business before the Planning and Zoning Board, Chair Harris adjourned the meeting at 7:45 p.m.

Janet K. Whipple, Town Clerk

Keith Harris, Interim Chair

*The next Planning and Zoning Board Meeting is tentatively scheduled for
April 10, 2014, at 7:00 p.m.*



For Point of Reference:

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



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

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

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

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

City of Port St Lucie Business Tax Requirements

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

Who needs a Tax Certificate and Why?

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

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

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

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

CODE COMPLIANCE

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

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

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

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

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

Separate business tax for each location and business activity

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

How do I apply for a Tax Certificate?

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

Highlands Co. Home Occupation

Pg. 1

LINDA CONRAD - ZONING SUPERVISOR

501 SOUTH COMMERCE AVE, SEBRING, FL. 33890

Ph. # 1-863-402-6638

Sec. 12.08.109 Home Occupations:

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

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

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

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

PART II - ZONING DISTRICTS

Article 20 - RESIDENTIAL ZONING DISTRICTS

Article 20 - RESIDENTIAL ZONING DISTRICTS

[Section 20-005. - Purpose and intent of districts.](#)

[Section 20-010. - General provisions.](#)

[Section 20-015. - Permitted uses.](#)

[Section 20-020. - Irrigation installation/maintenance and landscape maintenance operations.](#)

[Section 20-025. - Minimum plot size and dimension.](#)

[Section 20-030. - Plot coverage, floor-to-area ratio, and pervious area.](#)

[Section 20-035. - Setbacks.](#)

[Section 20-040. - Height.](#)

Section 20-005. - Purpose and intent of districts.

- (A) *Agricultural Residential (AR)*. Agricultural Residential zoning districts are intended to apply to areas of the Town designated as Rural Residential on the Future Land Use Plan Map of the Comprehensive Plan. The purpose is twofold. First, it is to protect, preserve and enhance the rural and agricultural character and life-style of existing very low density areas. Second, it is to protect the existing tree canopy and natural environment, promote and enhance wildlife habitat and natural systems, and reinforce the unique character of the Town through the establishment of native landscapes.

Section 20-010. - General provisions.

The following requirements shall apply to the Agricultural Residential (AR) Zoning District.

- (A) *Accessory dwelling units*. One accessory dwelling unit is permitted per parcel of land subject to the following standards:
- (1) *Parcel size*. Parcels shall be five acres or greater.
 - (2) *Maximum floor area*. Accessory dwelling units shall contain no greater than 1,200 square feet of livable, floor space.
 - (3) *Ownership*. The accessory dwelling unit shall remain accessory to and under the same ownership as the principal dwelling.
 - (4) *Electric utilities*. Both the principal single family dwelling and the accessory dwelling shall be connected to the same electric utility meter.
 - (5) *Compatibility*. An accessory dwelling unit shall be architecturally compatible in character and subordinate in size to the principal dwelling unit.
- (B) *Animals and livestock*. The breeding raising, and/or keeping of animals and livestock as an accessory use to a permanent dwelling shall be subject to the following standards:
- (1) *Number*. The number of animals and livestock permitted shall be based on parcel size as follows.
 - a. *Livestock*. Four livestock, not including swine, are permitted per every one acre of land, except that parcels of at least five acres are permitted eight livestock per every

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acre of land and parcels over ten acres in size shall have no limit to the number of livestock per acre.

- b. *Small domesticated farm animals.* Fifteen small domesticated animals are permitted per every one-half acre of land.
 - c. *Large domesticated farm animals.* Two large domesticated animals are permitted per every one acre of land.
 - d. *Poultry.* Parcels under one acre shall be limited to four birds per every one-quarter acre.
 - e. *Swine.* One swine is permitted per property of one acre or greater, except for pot bellied pigs, which shall be considered livestock.
 - f. *Wildlife pets.* Ten wildlife pets are permitted on properties of five acres or greater provided that the wildlife pets are permitted and licensed by the State of Florida.
 - g. *Household pets.* A maximum of ten household pets are permitted on a property.
- (2) *Fences.* All animals shall be kept within a fence to prevent the animals from accessing streets or adjacent properties. It shall be the responsibility of each animal owner to ensure that the fence is maintained in a state of good repair and that the animal is confined to the property.
 - (3) *[Setback.]* All structures, including pens, cages or enclosures, but excluding fences, that house or restrain animals of any type shall be setback a minimum of 50 feet from all property lines.
 - (4) *Exceptions.* Offspring under the normal weaning age for the species shall not be included in calculating the number of animals.
- (C) *[Caretaker's quarters.]* Caretaker's quarters are permitted on parcels with a bona fide agricultural use.
 - (D) *Construction trailers.* One construction trailer may be placed on a plot for a period of time not to exceed one year during active construction of a permanent dwelling to serve as temporary living quarters for the owners of the home under construction. Construction trailers shall also be subject to the following standards.
 - (1) *Location.* The construction trailer shall be in compliance with all setback requirements.
 - (2) *Permit issued.* No construction trailer shall be placed upon any such property until a building permit for construction of the dwelling has been issued. The permit shall be posted in such a manner that it can be observed from the exterior of the construction trailer.
 - (3) *[Removal.]* The construction trailer must be removed from the property upon completion of the permanent dwelling or other principal building(s) or at the end of the one year period, whichever occurs first. The Town Manager may grant one extension of a maximum six months, upon petition from the property owner, provided the petition demonstrates unexpected hardship, and steady construction progress such that construction can reasonably be completed within the six month extension period. A decision of the Town Manager to deny the request for extension may be appealed to the Town Council subject to the requirements of Article 145, "Administrative Appeals."
 - (E) *Fences, walls, hedges, gates and entry features.* Fences, hedges, gates and entry features are permitted on all properties with a zoning designation of Rural Residential or Agricultural Residential. Walls are not permitted on a property line that abuts a road unless a Special Exception is granted by the Town.
 - (1) *Height.* Fences and walls shall not exceed six feet in height in front yards and eight feet in height in side or rear yards. Hedges and natural vegetation shall not be subject to

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maximum height limitations. Height shall be measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall.

- (2) *Appearance.* The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance. Dark or fluorescent colors are prohibited.
 - (3) *Materials.* Fences and walls shall not be electrified or contain any materials such as broken glass, spikes, nails, razors or barbs designed to inflict discomfort, pain, or injury to a person or animal, except as permitted below:
 - a. *Barbed wire.* Barbed wire shall be permitted for use as fencing material on all plots.
 - b. *Low voltage electric wire.* Low voltage electric wire, otherwise known as hot wire, shall be permitted for use as fencing material on all plots.
 - (4) *Sight distance.* Fences, walls and hedges shall comply with Article 105, "Sight Distance."
 - (5) *Decorative gates, features, and light posts.* Decorative gates, features, and light posts attached to fences or walls may exceed the height of fences or walls by three feet provided that they are located in the front yard.
- (F) *Groom's quarters.* Groom's quarters are permitted on parcels where there are equestrian uses and a stable with 18 or more stalls.
- (G) *Outdoor storage.* Outdoor storage of merchandise and inventory, vehicles and equipment, refuse and other similar materials shall be subject to the following standards.
- (1) *Generally.* All outdoor storage shall only be permitted when incidental to the use located on the premises or explicitly permitted as a primary use in [Section 20-015](#), "Permitted uses."
 - (2) *Location.* Outdoor storage of merchandise and inventory, vehicles and equipment, refuse or similar materials shall not be located in any required setbacks, easements, or rights-of-way, except as permitted below:
 - a. *Construction Vehicles, equipment and fill.* Construction Vehicles, equipment, and fill may be temporarily stored in required setbacks, easements, or rights-of-way during construction in easements or rights-of-way.
 - b. *Nursery plants and trees.* Nursery plants and trees may be permanently stored in all required setbacks.
 - (3) *Screening.* All outdoor storage shall not be visible from roadways or neighboring properties except as permitted below:
 - a. *Farm and land cultivation equipment.* Farm and land cultivation equipment necessary for conducting a permissible agricultural use does not need to be screened from view provided that the vehicles are operable for immediate use, located on the plot upon which they are used, and are registered to an owner or lessee of said plot.
 - b. *Equestrian transports.* Equestrian transports do not need to be screened from view provided that the aggregate capacity of equestrian transports does not exceed the number of stables or horses kept on the property, whichever is greater.
 - c. *Nursery plants and trees.* Nursery plants and trees do not need to be screened from view.
 - d. *Construction vehicles, equipment and fill.* Construction vehicles, equipment, and fill do not need to be screened from view provided that the related construction activity is permitted, continuous and on-going.

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- e. *Commercial and recreational vehicles.* A maximum of two commercial or recreational vehicles may be stored on a plot of land without screening, provided that the vehicles are routinely operated/maintained by a permanent, full-time resident of the property.
 - f. *Inactive vehicles and equipment.* Vehicles and equipment that are in need of repair may be stored on a plot of land without screening provided that the vehicle or equipment has not been in a disassembled state or incapable of immediate use for more than seven consecutive days.
- (4) *Fluids.* Vehicles and equipment that have been disassembled or incapable of immediate use for more than 28 consecutive days shall have all of its fluids drained and properly disposed.
- (H) *Swimming pools.* Swimming pools are permitted provided that the pool is located on the same plot as a primary use and it is fully enclosed with a fence or wall a minimum of four feet in height above the ground, measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall. Screen enclosures which meet all requirements of the Florida Building Code shall also constitute compliance with this provision. Fences or walls shall be of such a design and material as will prevent unauthorized access to the pool area. All gates must be equipped with self-closing, self-latching mechanisms. All fences and gates shall comply with all requirements of the Florida Building Code pertaining to required barriers around public swimming pools.

Section 20-015. - Permitted uses.

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

Principal Uses	Agricultural Residential (AR)
Single Family Dwelling	Permitted
Mobile Home	Permitted subject to Article 80
Public Schools	Permitted
Congregate Living Facility, Type 1	Permitted
Non-Profit Community Recreational Facilities	Permitted w/Special Exception
Essential Services	Permitted
Commercial Equestrian Operations	Permitted w/Special Exception
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception

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Aviculture	Permitted subject to Article 80
Commercial Kennels	Not Permitted
Chipping and Mulching	Permitted subject to Article 80
Feed Lots	Not Permitted
Commercial Animal Manure Management	Not Permitted
Commercial Chipping and Mulching	Permitted subject to Article 80
Rescued Animal Care	Permitted w/Special Exception
Outdoor Events	Permitted w/Special Exception
Agriculture	Permitted
Bona Fide Agriculture	Permitted
Wireless Communication Facilities	Permitted w/Special Exception

Accessory Uses	Agricultural Residential (AR)
Accessory Dwelling	Permitted
Groom's Quarter	Permitted
Caretaker's Quarter	Permitted
Home Offices	Permitted subject to Article 80
Residential Enterprise	Permitted subject to Article 80
Wholesale Nursery	Permitted

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Retail Nursery	Permitted w/Special Exception
U-Pick Farms	Permitted w/Special Exception
Private Kennels	Permitted
Private Stables	Permitted
Yard Sales	Permitted subject to Article 80

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

Irrigation installation/maintenance operations and landscape maintenance operations are expressly prohibited in the Agricultural Residential (AR) Zoning District.

Section 20-025. - Minimum plot size and dimension.

Plots located in Agricultural Residential (AR) Zoning District are subject to the following size and dimensional standards.

- (A) *Minimum plot size.* No plot shall be developed for a residential use unless the plot contains five or more acres.
- (B) *Minimum dimension.* No plot shall be developed for residential use unless the plot has a frontage (width) and depth of at least 200 feet.
- (C) *Exceptions.* The following exceptions shall apply:
 - (1) *Nonconforming plots of prior record.* Plots which were of public record prior to, and became nonconforming as a result of, the adoption of the Town of Loxahatchee Groves Unified Land Development Regulations may be developed for residential use despite not meeting the minimum plot size and dimensional requirements.
 - (2) *Nonconforming plots due to public right-of-way dedication.* Any plot which becomes nonconforming as a result of the required dedication of a public right-of-way may be developed for residential use despite not meeting the minimum plot size and dimensional requirements.
 - (3) *Plot with frontage on curved street or cul-de-sac.* On curving streets, such as culs-de-sac, the required frontage for lots between the points of curvature may be reduced by 40 percent, provided the centerline radius of the contiguous street is 125 feet or less.

Section 20-030. - Plot coverage, floor-to-area ratio, and pervious area.

Plots located in the Agricultural Residential (AR) zoning district are subject to the following standards.

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- (A) *Plot coverage.* The combined area of all buildings and roofed structures shall not exceed 15 percent of the plot area.
- (B) *Floor-to-area ratio.* Uses other than a single family residence shall not exceed a combined floor-to-area ratio of 15 percent.
- (C) *Pervious area.* The minimum pervious area shall be 70 percent of the plot area.
- (D) *Exceptions.* The following exceptions shall apply:
 - (1) Plot coverage and floor-to-area ratio calculations shall not apply to buildings used for growing plants including, but not limited to, greenhouses, shade houses, and hydroponics nurseries.
 - (2) To the extent that an applicant needs to exceed plot coverage and/or floor-to-area ratio for a bona fide agricultural use, the applicant shall obtain a Special Exception pursuant to Article 170, and must demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

Section 20-035. - Setbacks.

All buildings and structures in the Agriculture Residential (AR) zoning district shall comply with the following minimum required setbacks:

- (A) *Front setback.* One hundred feet.
- (B) *Side setback.* Fifty feet.
- (C) *Rear setback.* Fifty feet.
- (D) *Side street setback.* For properties that abut a street on more than one side, a side street setback of a minimum of 80 feet shall be provided.
- (E) *Exceptions.* A nonconforming residential lot may utilize the following setbacks for a single-family dwelling unit only.
 - (1) Minimum setback requirements:
 - (a) If the minimum depth dimension is nonconforming:
 - Front:* Thirty percent of lot depth.
 - Rear:* Twenty percent of lot depth.
 - (b) If the minimum width dimension is nonconforming:
 - Side interior:* Fifteen percent of lot width.
 - Side street:* Twenty percent of lot width.
 - (c) Nonconforming lots that are 100 feet or less in width and 100 feet or less in depth may apply a 25-foot setback from the affected property line.
 - (2) The maximum lot coverage is 40 percent of the total lot area or the maximum allowed coverage, whichever is more restrictive.
 - (3) Accessory structures shall comply with all applicable Code requirements.
 - (4) To the extent that an applicant desires to decrease the required setback or increase the height of a structure to more than 35 feet for a bona fide agricultural use, the applicant shall obtain a Special Exception pursuant to Article 170, and demonstrate that the requirement prohibits, restricts, or otherwise limits a generally accepted farming practice.

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Section 20-040. - Height.

No buildings or structure, or part thereof, shall be erected or maintained to a height exceeding 35 feet in the Agriculture Residential (AR) zoning district except for those specifically excepted from height limitations are identified in [Section 15-015](#), "Exceptions from height limitations."

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[Section 80-005. - Purpose and intent.](#)

[Section 80-010. - Compliance with conditions.](#)

[Section 80-015. - Home offices.](#)

[Section 80-020. - Residential enterprise.](#)

[Section 80-025. - Outdoor event permits.](#)

[Section 80-030. - Holiday wayside stands.](#)

[Section 80-035. - Yard sales.](#)

[Section 80-040. - Archery and gun ranges.](#)

[Section 80-045. - Exhibition of Class I and Class II Wildlife.](#)

[Section 80-050. - Aviculture.](#)

[Section 80-055. - Commercial chipping and mulching.](#)

Section 80-005. - Purpose and intent.

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

Section 80-010. - Compliance with conditions.

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

Section 80-015. - Home offices.

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

- (A) Commercial vehicles associated with the home office in all residential districts shall be subject to [Section 20-010\(G\)](#).
- (B) No sign or any other evidence of the existence of the home office shall be visible from the exterior of the dwelling unit.
- (C) The property must have a homestead exemption.

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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.

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- (D) *Access.* Vehicular access onto any plot used for an outdoor event shall be only from a public street as specified in subsection (B), above.
- (E) *Parking.* Event parking shall comply with the requirements of Article 95, "Parking and Loading" insofar as the amount of spaces required, minimum parking space size, and minimum aisle widths. All parking spaces may be on an unpaved surface. Temporary barriers, guides, signs, and other temporary markings shall be erected and placed around and within the parking area to facilitate safe and efficient vehicular traffic flow on site.
- (F) *Lighting.* Temporary lighting used to illuminate the outdoor event after dusk shall be designed and arranged to reflect away from adjacent properties and away from any street, and shall comply with [Section 50-030](#), "Outdoor Lighting."
- (G) *Temporary structures, exhibits, and mechanical riding devices.* Temporary structures, exhibits, and mechanical riding devices shall be permitted in conjunction with outdoor events subject to permit and inspection requirements of all applicable town, county and state agencies. No temporary structure shall be used for living quarters. All such structures, exhibits, and mechanical riding devices shall be removed from the premises within three days after the conclusion of the event.
- (H) *Signs.* One temporary sign advertising the event may be erected on the plot where the event will be held not more than 14 days prior to the event. Such signs shall be no larger than 24 square feet in sign area and no higher than ten feet above the ground, and shall observe the site distance triangle requirement of Article 105, "Sight Distance." The sign shall be removed by the permit holder within three days of the conclusion of the outdoor event.
- (I) *Frequency and duration.* No outdoor event shall be permitted for a period of time exceeding three consecutive days, except that rodeos shall be limited to a maximum of three consecutive days. A total of three outdoor events can be permitted within a calendar year on any given property. Hours of operation of any event shall be limited to 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to midnight on Friday and Saturday. Any additional time shall require approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in [Section 170-025\(A\)](#) for Special Exceptions.
- (J) *Liability insurance.* Before any permit for an outdoor event is issued, the applicant must provide a certificate showing proof of a public premises liability and product liability insurance policy that provides coverage in the amount of \$1,000,000.00. The policy must name the Town as an additional insured and must be issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The policy must be approved by the Town Attorney prior to issuance of any outdoor event permit.
- (K) *Performance bond.* Before any permit for an outdoor event is issued, a performance bond or similar security acceptable to the Town and naming the Town as beneficiary in the sum of \$1,000.00, shall be executed by the applicant, as principal, and a surety company authorized to do business in the State of Florida and on the list of the United States Treasury. Such security must be approved by the Town Attorney, and shall be in effect for the duration of the outdoor event and for six months subsequent to the end of the event. The security shall be released at the conclusion of the six month time period upon submittal of an affidavit from the applicant that all conditions of the security have been met. The conditions of such security shall be that:
- (1) The applicant shall comply fully with all the provisions of the Town of Loxahatchee Groves Code of Ordinances and all applicable county, state or federal laws regarding the sale of goods as permitted;
 - (2) The applicant will pay all judgments rendered against said applicant for any violation of said laws; and
 - (3) The applicant will pay all judgments and costs that may be recovered against said applicant by any persons for damage from any misrepresentation or deceptive practice during the transacting of such business.

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- (L) *Plans.* A plan, drawn to scale, shall be submitted to the Town as part of the Special Exception application indicating the following:
- (1) Plot dimensions;
 - (2) Adjoining streets and points of access to the plot;
 - (3) Location of all activities and temporary structures and setbacks from plot lines;
 - (4) Location and use of any permanent structures and uses existing on the plot;
 - (5) Location and amount of existing off-street parking areas, proposed temporary additional off-street parking areas and aisles, including dimensions, location of traffic markings, and signs.
 - (6) Location and number of any loud speakers and description of any use of them (i.e. music, announcements);
 - (7) Location and number of temporary restroom facilities; and
 - (8) Description of proposed waste management for both trash and portable toilet facilities.
- (M) *Permit applications.* A permit application shall be submitted to the Town Manager, at least 30 days prior to the outdoor event. The permit application shall include the following:
- (1) The name and address of the applicant;
 - (2) The address and legal description of the plot where the event will be held;
 - (3) The dates and hours of the event;
 - (4) The type of event and sponsor, if any;
 - (5) The plan required by subsection (L) above;
 - (6) An executed performance bond as required in subsection (K) above;
 - (7) Proof of insurance as required in subsection (J) above;
 - (8) Notarized authorization of all property owners of record or their authorized agent, for use of the property for the outdoor event;
 - (9) Proof that the Palm Beach Sheriff's Office or other security officials will be present during the event for safety, security and to direct traffic.
 - (10) A notarized affidavit of proof of posting the notice sign required by subsection (Q) herein;
 - (11) The applicable processing and inspection fee, in accordance with the fee schedule in effect;
 - (12) Proof of notification of the event to all contiguous properties and the written consent of the contiguous owners;
 - (13) Cleanup and site restoration plan.
- (N) *Agency reviews.* Prior to issuance of a permit for an outdoor event, the following entities, as deemed appropriate on a case-by-case basis, shall review and approve the event in accordance with applicable statutes, ordinances and codes:
- (1) Town Manager;
 - (2) Town Attorney;
 - (3) Health Department (State of Florida) if approval is required;
 - (4) Department of Agriculture (State of Florida) (if food service is to be provided) if approval is required;
 - (5) Fire Marshal;

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- (6) Building Official;
 - (7) Palm Beach County Sheriff's Office; and
 - (8) Town's current waste collector.
- (O) *Permit issuance.* Once the Town Manager confirms that the application and plot are in compliance with this section and any other applicable code, statute or ordinance, the application shall be placed on the next available Town Council agenda for consideration as a Special Exception. Upon approval by the Town Council, the Town Manager shall issue the permit upon payment by the applicant of a cleanup deposit in the amount of \$1,000.00 to the Town to guarantee site restoration. The permit must be posted on the plot for the duration of the outdoor event.
- (P) *Site restoration.* The permit holder shall be responsible for restoring the plot to its original condition within seven days after the end of the outdoor event. Failure to restore the site to its original condition shall result in forfeiture of the cleanup deposit to the Town. The cleanup deposit shall be used for restoration of the location.
- (Q) *Posting of notice.* The applicant must post a sign of sufficient size at least 30 days prior to the beginning date of the outdoor event in a visible location on each street frontage to inform the public of the dates and nature of the outdoor event which will be held on the property.
- (R) *[Exceptions.]* Exceptions for not-for-profit corporations holding events on their own property.
- (1) Not-for profit corporations which hold outdoor events on their own property shall be subject to all of the requirements set forth above, except the requirements for obtaining a performance bond (subsection (K)), a cleanup deposit (subsection (O)) and posting of notice (subsection (Q)).

Section 80-030. - Holiday wayside stands.

- (A) *[Permit issued.]* Permits for holiday wayside stands may be issued for the following holidays for the maximum time periods specified:

Holiday	Maximum Time Period
Independence Day (July 4)	Ten days preceding July 4
Halloween (October 31)	Thirty days preceding October 31
Christmas (December 25)	Thirty days preceding December 25

- (B) *[Application.]* An application for a holiday wayside stand permit shall be filed with the Town Manager at least 30 days prior to commencement of the sales period for Halloween and Christmas and at least 60 days prior to commencement of the sales period for Independence Day. The application shall contain the following:
- (1) The notarized signature of the applicant;
 - (2) The names and permanent addresses of all persons responsible for the management or supervision of the holiday wayside stand; the local address of such person or persons while

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engaged in such business; the capacity in which such person will act (that is, whether as proprietor, agent or otherwise);

- (3) The name and address of the person, firm or corporation for whose account the business will be conducted, if any; and if a corporation, under the laws of that state in which it is incorporated and the name and address of its registered agent in the State of Florida; and the federal employer's identification number (EIN) or social security number of the business owner;
 - (4) The exact address and legal description of the property where the holiday wayside stand will be located;
 - (5) Proof of a State of Florida sales tax number;
 - (6) Written, notarized permission from all owners of record of the property, or authorized agent of the owner, where the holiday wayside stand will be located;
 - (7) Proof of a public premises liability insurance policy that provides coverage in the amount of \$1,000,000.00 at each sales location, naming the Town as an additional insured, and is issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The policy must be approved by the Town Attorney;
 - (8) A performance bond or similar security acceptable to the Town naming the Town as beneficiary in the sum of \$1,000.00 executed by the applicant, as principal, and a surety company authorized to do business in the State of Florida and on the list of the United States Treasury. Such security shall be approved by the Town Attorney, and shall be in effect for the duration of the sales period and for six months subsequent to the end of the sales period. The security shall be released at the conclusion of the six month time period upon submittal of an affidavit from the applicant that all conditions of the security have been met. The conditions of such security shall be that:
 - a. The applicant shall comply fully with all the provisions of the Town of Loxahatchee Groves Code of Ordinances and all applicable county, state, or federal laws regarding the sale of goods as permitted;
 - b. The applicant will pay all judgments rendered against said applicant for any violation of said laws; and
 - c. The applicant will pay all judgments and costs that may be recovered against the applicant by any persons for damage from any misrepresentation or deceptive practice during the transacting of such business.
 - (9) Not-for-profit corporations which have holiday wayside stands on their own property, for other than the sale of pyrotechnical items, shall not be subject to the requirements for obtaining a performance bond and a cleanup deposit.
- (C) *Number of permits.* No permittee shall be issued more than two permits per event. For the purpose of this subsection, permittee shall be deemed the same if any one principal in the legal entity under which the permittee is operating is identical regardless of the structure of the legal entity. At any given location permitted under this section, there shall be a maximum of one holiday wayside stand. Each individual sales location shall require a separate permit.
- (D) *Permitted locations.* Locations for sales of merchandise permitted under this section are subject to the following restrictions:
- (1) The right to sell pyrotechnical items shall be governed by the laws in place as of March 8, 2007, until such time as the moratorium in Chapter 2007-67 is repealed or expires. At such time, pyrotechnical items may only be sold at locations within a commercial zoning district. Such sales shall not be permitted in areas located within 50 feet of any fuel storage facility or any area required to provide parking in connection with a restaurant or lounge.

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- (2) Pyrotechnical items may be sold only if each sales location has been approved by the Fire Marshal.
 - (3) Halloween and Christmas items may be sold at locations within a commercial zoning district, as well as from any property owned by a nonprofit organization, provided the nonprofit organization is conducting the holiday wayside stand operations for charitable or fund-raising purposes and the purpose is specifically indicated on the permit application.
 - (4) There shall be a minimum of 1,000 feet between any two locations permitted under this section. For purposes of determining which permit application of two or more applications proposing sites within 1,000 feet of one another shall be approved, the date and time each completed application is accepted for processing shall determine the priority.
- (E) *Conditions of permits.*
- (1) A permittee must, at the time the permit is issued, pay to the Town a cleanup deposit fee of \$1,000.00. The deposit will be returned if the permittee restores the permitted location to its original presale condition within one week subsequent to the end of the sales period. Otherwise, the deposit will be retained by the Town and used to restore the location.
 - (2) The permit issued pursuant to this section shall be posted conspicuously at the sales location.
 - (3) No permit for the sale of pyrotechnical items may be issued unless such items may be lawfully sold pursuant to F.S. ch. 791.
 - (4) One temporary structure for overnight storage of merchandise shall be permitted at each sales location, subject to compliance with all applicable codes and permit requirements. No temporary structure shall be used for temporary living quarters. Temporary storage structures shall be removed not more than one week after the end of the sales period.
- (F) *Signs.* One four-by-eight foot sign on each side of the plot abutting a public street shall be permitted in connection with an approved holiday wayside stand during the sales period. Such signs shall comply with all applicable codes, including permitting requirements.

Section 80-035. - Yard sales.

On any plot used for residential purposes, three yard sales may be held in a calendar year by the residents of the plot to sell their personal belongings to the public. Each yard sale may be for a maximum of three consecutive days. Signs may not exceed two square feet in size and shall be exempt from permit requirements. The signs shall not be displayed more than one day prior to the yard sale. Signs shall be removed the next day after the end of the yard sale. In the event the signs are not removed in a timely manner, the Town shall remove the signs and a fine of \$100.00 per sign shall be charged to resident holding the yard sale.

Section 80-040. - Archery and gun ranges.

Target areas for archery and gun ranges shall provide sufficient separation and barriers sufficient to preclude any intrusion of such activities (including noise above nuisance levels) upon adjacent properties. All gun ranges shall be within a building located on a parcel that has a land use designation of Commercial Low Retail and shall also conform to the Best Management Practices for Environmental Stewardship of Florida Shooting Ranges as outlined by the Florida Department of Environmental Protection.

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Section 80-045. - Exhibition of Class I and Class II Wildlife.

Individuals providing care and permanent habitat for Class I and Class II Wildlife that have been abused, neglected or otherwise need sanctuary may request a license from the Town to allow limited exhibition of said wildlife, subject to the provisions of this section.

- (A) For purposes of this section only, exhibition of wildlife shall be defined as a public or private showing of Class I and Class II wildlife for financial or other consideration.
- (B) For purposes of this section, Class I and Class II wildlife are defined pursuant to Chapter 68-A6, F.A.C., as amended.
- (C) The property on which the animals are kept shall have a minimum plot size of five acres and a minimum plot width and length of 300 feet and must conform with all of the minimum requirements established in the Florida Administrative Code.
- (D) No wildlife exhibition license may be issued for a location that is within 1,000 feet of another licensed wildlife exhibitor.
- (E) Signage is not permitted.
- (F) The owner of the animals must hold a USDA, Animal Welfare Act, Class C Exhibitor License and a Florida Fish and Game Conservation Commission Class I or II (as applicable) License, and must live on the property on a permanent basis.
- (G) The owner of the animals shall maintain 501(C)(3) non-profit status for the specific purpose of caring and providing habitat for the wild animals.
- (H) All wildlife habitat areas shall be surrounded by a minimum of a six foot high barrier/fence to prevent unauthorized access. The wildlife habitat areas shall also be fully screened from all property lines to a height of six feet through the use of landscape materials or opaque fence materials.
- (I) Public premises liability coverage in the amount of \$1,000,000.00 shall be maintained at all times. The policy must name the Town as an additional insured and must be issued by an insurance company authorized by the Florida Department of Insurance to do business in the State of Florida. The Town Attorney must approve the policy.
- (J) The number of wild animals on the property shall be limited to three per acre.
- (K) At no time shall the property be unattended and without the presence of someone licensed to handle wild animals, or with at least six months experience working under the jurisdiction of the licensee's Federal and State licenses when the owner of the animal(s) is away from the premises.
- (L) All parking shall be accommodated on-site, and shall be screened from view along all property lines adjoining any private or public street, or residential plot. Parking areas shall be set back at least 25 feet from any residential plot line. Parking areas need not be paved.
- (M) Public admission shall be by appointment only, and shall be limited to 40 people on the property at any given time, except that groups from educational institutions arriving by bus shall be limited to 100 people, and that special events with attendance greater than that provided for herein may be held up to 12 times per year, provided the owner notifies the Town Clerk's Office in writing at least five days prior to the event. The notification shall state the date and hours, nature of the event, and maximum number of people expected.
- (N) Noise levels, including noises resulting from public admission, shall not exceed the limits set forth in [Section 50-010](#), " Excessive Noise."
- (O) Noise abatement. Wildlife habitat areas shall be designed, constructed and located using noise abatement measures (e.g., locating wildlife which excessively screech, howl, or make loud

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noises away from property lines; maintaining a thick, vegetated buffer along property lines) to help ensure that noise levels do not exceed the limits set forth in [Section 50-010](#), " Excessive Noise."

- (P) Upon determination that an application for an exhibition of Class I and Class II wildlife license satisfies the criteria of this section, the Town shall notice property owners within 1,000 feet of the subject property, by certified mail, that an application for a wild animal habitat license will be administratively approved and issued ten days from the mailing date indicated on the notice, unless a written objection is received by the Town Clerk within the ten day period.
- (Q) Upon satisfying all of the conditions for licensure, a license under this section shall be issued administratively unless the Town receives written objection from a noticed property owner within the ten day response period. In the case of a timely objection, the application for licensure shall be scheduled for the next available Town Council agenda as an advertised public hearing. After hearing the testimony of affected property owners, the Town Council may approve, approve with conditions, or deny the application for licensure based upon consideration of the following criteria:
 - (1) That the use is compatible with the existing natural environment and other properties in the vicinity;
 - (2) That there will be adequate provision for safe traffic movement, both vehicular and pedestrian, in the area which will serve the use;
 - (3) That there are adequate setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust and other potential nuisances; and,
 - (4) That the land area is sufficient, appropriate and adequate for the use as proposed. Conditions placed upon the license by Town Council may supplement the requirements of this section contained in provisions (A) through (O).
- (R) Licenses are valid only to the person named on the license and shall not be transferable.
- (S) Upon a second violation of any one or more provisions of this section within a 24 month period, as determined pursuant to the Town's code enforcement procedures, the Town shall notify the licensee, by certified mail, of its intent to revoke the license. The licensee or designee may initiate an appeal of the revocation by filing written notice of intent to appeal with the Town Clerk's Office no later than 15 days from receipt of the Town's notice of intent to revoke the license. The license will be administratively revoked should the licensee not file an appeal within the allotted time. The Town Clerk shall schedule the appeal for the next available Town Council meeting. In determining the existence of extenuating factors contributing to the code violation(s), Council may uphold the revocation or continue the license with any conditions Council may deem appropriate to protect the public health, safety and welfare.
- (T) Nothing within this section shall be construed to prevent the Town Council from revoking the license at any time, provided that after conducting an advertised public hearing on the matter, a supermajority of council members make a determination that the licensed activity no longer satisfies the criteria for licensure.
- (U) All exhibition of Class I and Class II wildlife shall occur on a parcel that has a land use designation of Commercial Low.

Section 80-050. - Aviculture.

Permits for aviculture, as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" may be issued in the Agricultural Residential (AR) zoning district subject to the following:

- (A) *Minimum plot size requirements.*

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- (1) Two acres for 40 to 200 birds.
 - (2) Five acres for 201 or more birds.
- (B) *Breeder.*
- (1) The minimum plot size shall be two acres; and
 - (2) Shelters, cages and accessory structures shall be set back a minimum of 50 feet from all property lines; and
 - (3) Outdoor shelters and cages shall be contained to specific areas of the plot and completely screened from view from adjacent properties with a visual barrier. Such barriers may include natural vegetation, landscaping, fencing or other opaque structures; and
 - (4) The breeder shall locate birds that excessively screech, chirp, crow or make loud noises away from residential properties to the maximum extent possible; and
 - (5) The care, licensing, registration and inspections shall be as required by applicable regulations; and
 - (6) Any avicultural endeavor shall comply with Article 50, "Public Nuisances," of this Code.

Section 80-055. - Commercial chipping and mulching.

Permits for commercial chipping and mulching operations as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" shall be subject to the granting of a Special Exception and subject to the following limitations:

- (A) *Minimum plot size requirements.* No chipping and mulching shall be permitted on properties of less than ten acres.
- (B) *Minimum dimensional requirements.* No chipping and mulching shall be permitted on properties with a width or length of less than 500 linear feet.
- (C) *Setbacks.* All chipping and mulching equipment shall be setback at least 300 feet from any residential property line and 200 feet from all other property lines.
- (D) *Noise Abatement.* Chipping and mulching equipment shall be designed and located using noise abatement measures (e.g., locating equipment as far away from residences as possible, maintaining a thick, vegetated buffer along property lines) to help ensure that noise levels do not exceed the limits set forth in [Section 50-010](#), "Excessive Noise."
- (E) *Hours of operation.* The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday and Saturday from 9:00 a.m. to 1:00 p.m.
- (F) *Outdoor storage.* The pile height of unprocessed and processed material shall be limited to 15 feet. Storage areas (including compost) shall be setback at least 100 feet from any property line and screened from view.
- (G) *Access.* Access to the chipping and mulching operations shall be only from a public right-of-way. In no case, shall a chipping and mulching operation utilize a private road serving residential uses for access.
- (H) *Dust control.* The chipping and mulching operation shall utilize dust control measures which may include full or partial enclosure of chipper or grinder and watering or enclosing mulch piles.
- (I) *Fire prevention.* Chipping and mulching facilities shall be located within ten miles of a full service fire station or have and maintain on-site fire fighting equipment acceptable to the Palm Beach County Fire Marshall.

PART III - SUPPLEMENTAL REGULATIONS

Article 80 - CONDITIONAL USES

- (J) *Exceptions.* These regulations shall not apply to the occasional chipping and mulching of wood materials generated on site and associated with property maintenance or any bona fide agricultural use conforming to generally accepted agricultural and best management practices.

Section 10-015. - Definitions.

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

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

Home office. An office designed for and operated as a business location within the confines of a dwelling unit, and carried on only by persons owning and living in the dwelling unit, and involving only written correspondence, phones, computers, or other common office equipment, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. Home offices shall preclude any business operation that requires or permits customers, patrons, or other employees to visit the dwelling or is conducted within any structure other than the primary residence. The dwelling in which a home office is located shall have a homestead exemption.



5.b.1. New Business

Ordinance No. 2014-04

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-04

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

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

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

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

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

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

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

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

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

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

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

Section 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. Ordinance 2012-03 is superseded as set forth herein.

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

PART III – SUPPLEMENTAL REGULATIONS

ARTICLE 50 – PUBLIC NUISANCES

Section 50-035. – Use of Livestock Waste.

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

1. *Approved disposal site:* A real property for which a Town, county or state registration or permit has been issued for the disposal and/or processing of livestock waste, as amended from time to time, and/or a plot of land that is conducting bona fide agricultural activities in accordance with F.S. § 193.461.
2. *Bona fide agricultural purposes:* means farming, pasture, grove, or forestry operations, including horticulture, floriculture, viticulture, dairy, livestock, poultry, bee and aquaculture, consistent with Section 823.14, Florida Statutes (Right to Farm) and Section 570.02, Florida Statutes (Agriculture).
3. *Commercial livestock waste hauler:* Person(s), firm(s), corporation(s), or other legal entit(ies) permitted by the Town to provide livestock waste removal services for a fee within the Town in accordance with terms and conditions established by this ordinance.
4. *Composting:* The process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner for a period of 30 to 90 days.
5. *Hauler:* when used herein, collectively Commercial Livestock Waste Hauler and Livestock Waste Self-Haulers.

6. Livestock: Grazing animals, such as cattle, horses, sheep, goats, other ruminants, swine, ostriches, emus and rheas, which are used for private use or commercial purposes, or as defined by F.S. § 585.01, as may be amended from time to time.
 7. Livestock facility: Property under single ownership or control where livestock is raised and or boarded.
 8. Livestock waste: Wastes composed of excreta of animals and residual materials that have been used for bedding, sanitary, or feeding purposes for such animals. For purposes of this article, livestock waste that has been properly composted shall not be considered livestock waste.
 - (a) Livestock waste self-hauler: Property owner or authorized representative providing Livestock waste removal services from their own property within the Town, or delivering Livestock waste to their own property within the Town from a location within the Town, for personal use only by the owner or tenant of the receiving property, using a vehicle with a capacity no greater than ten (10) cubic yards.
 9. Livestock waste storage area: An area constructed of impermeable material such as concrete or asphalt; with an impermeable cover; or a mechanical storage container that can be sealed, lifted, and transported.
 10. Load: approximately twenty (20) to twenty-five (25) cubic yards of Livestock Waste.
 11. Public Nuisance: the unreasonable, unwarranted and/or unlawful activity and/or use of property, which causes inconvenience or damage to others, either to individuals and/or to the general public.
- (B) The deposit, dumping, and/or use of Livestock Waste, unless done in strict compliance with this Section is declared to be a public nuisance and is prohibited.
- (C) The deposit of Livestock Waste is permitted only on Approved disposal sites within the Town.
- (D) Only Livestock Waste that originates from within the Town or is shown by the filing of an affidavit by the property owner that it originated from outside the State of Florida may be deposited on property within the Town.
- (E) A property owner must obtain a permit from the Town prior to accepting any Livestock Waste on the property. A property owner may have only one permit at a time. An annual permit shall be valid from October 1 to September 30, and shall expire each September 30 regardless of the date it is issued. Property owners are responsible for the timely renewal of the annual permits.

(F) The requirements for the permit required by subsection (E) are as follows:

1. With the exception of a Town Manager-approved permit for residential property hereinafter provided, the property on which the Livestock waste is to be deposited must be designated as agricultural by the Palm Beach County Tax Collector for property tax purposes; provided that when a property owner applies for the first time to the Town for a permit, the property owner may obtain its initial permit notwithstanding not having the agricultural use tax designation when the property owner certifies to the Town Manager that the property owner is making a good faith effort to obtain the agricultural use tax designation. This exception shall apply only for the initial permit. No subsequent permits may be issued until the property obtains the agricultural use tax designation. Property owners of property designated as residential by the Palm Beach County Tax Collector may obtain a permit from the Town Manager when the property owner of the residential property demonstrates to the Town Manager that the Livestock Waste is solely for bona fide agricultural use on-site. The Town Manager shall advise the Town Council of all permits approved for residential properties.
2. The permit will be in the name of the record owner of the property. The property owner must be the applicant for the permit.
3. The property owner shall certify that the Livestock Waste originates from within the Town or is shown by the filing of an affidavit by the property owner that it originated from outside the State of Florida.
4. The property owner must certify that the Livestock Waste is being used by the property owner for bona fide agricultural purposes in appropriately limited

quantities pursuant to Best Management Practices (BMP) or guidelines published by the Florida Department of Environmental Protection for the application of Livestock Waste (published guideline). The property owner shall provide the Town with a copy of the applicable BMP or published guideline.

5. The property owner must advise the Town of the total quantity of Livestock Waste to be delivered to the property and its intended use.
6. The property owner must identify whether he or she will be a Livestock Waste Self-Hauler, will use a Commercial Livestock Waste Hauler, or both. In the event a property owner intends to use a Commercial Livestock Waste Hauler, the property owner must identify the Commercial Livestock Waste Hauler, and the Commercial Livestock Waste Hauler must have a permit from the Town and be in compliance with the City's ordinances at all times during the effectiveness of the owner's permit. A permit issued to a property owner pursuant this Section limits the property owner to using only one (1) Commercial Livestock Waste Hauler. The property owner must advise the Town in writing of a change in the Commercial Livestock Waste Hauler prior to receiving any Livestock Waste from the new Commercial Livestock Waste Hauler.
7. The acceptance of a permit by the property owner shall provide consent for a Town representative to inspect the property solely for purposes of ensuring compliance with the terms of the permit.
8. There shall be no charge for a Property Owner Permit.
9. The Town may request copies of permits and licenses for the designated Commercial Livestock Waste Hauler, as well as drawings or layouts of the

property to verify that the Livestock Waste shall be deposited and used in compliance with this Section 50-035.

- (G) Delivery of Livestock Waste by Commercial Livestock Waste Haulers shall be permitted only between the hours of 9:00 am through 4:00 pm, Monday through Friday, except holidays as listed on the Town website. Delivery of Livestock Waste by Commercial Livestock Waste Haulers is prohibited at all other times. Delivery must also be avoided during storm events, or when the ground is saturated.
- (H) The Property Owner may accept a maximum of ten (10) loads pursuant to the Permit, with a maximum of four (4) loads in a calendar month.
- (I) The Property Owner shall ensure that its Hauler not dump Livestock Waste:
- a. within fifty (50) feet of the property line, or such other distance in this subsection (I), whichever is greater;
 - b. within two hundred (200) feet of any well or other private potable water source, provided that the distance shall be three hundred (300) feet from the private potable water source if the private potable water source is located down slope from the Livestock Waste dumping site. These distances apply whether the water source is on the property or beyond the property;
 - c. within five hundred (500) feet from a potable community well or water source. This distance applies whether the surface water is on the property or beyond the property;
 - d. Within fifty (50) feet from surface waters where the site is level and has vegetative cover, or one hundred (100) feet if the soil surface slopes towards the

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

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

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

- a. within fifty (50) feet of the property lines or such other distance in this subsection (K), whichever is greater;
- b. within two hundred (200) feet of any well or other private potable water source, provided that the distance shall be three hundred (300) feet from the private potable water source if the private potable water source is located down slope from the Livestock Waste dumping site. These distances apply whether the water source is on the property or beyond the property;
- c. within five hundred (500) feet from a potable community well or water source. This distance applies whether the surface water is on the property or beyond the property;
- d. Within fifty (50) feet from surface waters where the site is level and has vegetative cover, or one hundred (100) feet if the soil surface slopes towards the water source or is void of vegetative cover. These distances apply whether the water source is on the property or beyond the property.

- (L) Crops should be planted as soon as possible after spreading.
- (M) The use of Livestock Waste as fill on property is strictly prohibited.
- (N) The property owner shall post a sign at the entrance on the property at the location where deliveries are received with a contact telephone number for neighbors to be able to contact the property owner about concerns with the delivery and/or use of Livestock Waste on the property.
- (O) Delivery Records shall be provided by property owners to the Town Manager each month, no later than the fifth (5th) business day of the month following the month for which the report is filed. The Delivery records shall identify the waste source, quantity in cubic yards, and the bona fide agricultural use of the Livestock waste. Failure to provide monthly delivery records shall result in the revocation of the permit. The Town reserves the right to audit the delivery records and request records from the Commercial Livestock Waste Hauler that delivered the Livestock Waste to the property. The failure to cooperate with such audit shall result in the revocation of a permit.
- (P) The Town Council reserves the right to amend this Ordinance at any time, and any such amendments will apply to both future permits and active permits unless specifically exempted by the Town Council.
- (Q) A property owner that violates any of the provisions of this ordinance shall have its permit revoked by the Town Manager. Should a person violate this ordinance on more than one (1) occasion during a calendar year, that person shall not be granted a permit from the Town for a period of one (1) calendar year from the date of the last violation.
- (R) A violation of this ordinance is deemed by the Town Council to be a public nuisance.

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

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

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

<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>All Additional Offenses</u>
<u>\$100</u>	<u>\$250</u>	<u>\$400</u>	<u>\$500</u>

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

(3) To the extent authorized by law, the Town Administration is authorized to use the Town’s Code Enforcement process to enforce violations of this ordinance where a law enforcement officer has not otherwise issued violations of Section 403.413,

Florida Statutes, or of this ordinance. In such instances, the fine shall be the maximum permitted by law. The Town shall recover its costs of prosecution, including attorney's fees, filing fees, and personnel costs for law enforcement and Town employees.

- (4) Each day a violation remains, and each delivery by a Commercial Livestock Waste Hauler for which there is no permit, constitutes a separate violation of this ordinance.
- (U) Nothing in this ordinance is to be construed to permit a Solid Waste Management Facility in conflict with state and county regulations.

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

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

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

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

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

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

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

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

Janet K. Whipple, Town Clerk

Vice-Mayor Ron Jarriel

APPROVED AS TO LEGAL FORM:

Council Member Tom Goltzené

Office of the Town Attorney

Council Member Ryan Liang

Council Member Jim Rockett



5.b.2. New Business

Ordinance No. 2014-05

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2014-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN'S UNIFIED LAND DEVELOPMENT CODE TO ELIMINATE REGULATIONS RELATING TO GUNS, FIREARMS AND GUN RANGES TO ADDRESS STATE PREEMPTIONS OF THE REGULATION OF THESE SUBJECTS; PROVIDING FOR INTENT OF THE TOWN TO COMPLY WITH THE STATE'S PREEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 970.33, Florida Statutes, preempts to the state the field of regulation of firearms and ammunition, except for zoning ordinances “that encompass firearms businesses” so long as they are not intended to restrict or prohibit the sale of firearms and ammunition as a means of regulating such; and,

WHEREAS, Section 790.333, Florida Statutes, preempts to the state the field of regulation of firearms and ammunition use at sport shooting and training ranges; and,

WHEREAS, the Florida Attorney General has opined that the preemption in Section 790.333, Florida Statutes, includes zoning; and,

WHEREAS, Section 790.33, Florida Statutes, provides substantial penalties for any willful intrusion into the state's preemption on the regulation of firearms and ammunitions, including fines of up to \$5,000, termination of employment or removal from office, and damages of up to \$100,000.00; and,

WHEREAS, the Town's Unified Land Development Code contains zoning regulations relating to shooting and gun ranges, the goal of which was not to restrict gun and ammunition sales and use, but to provide use and development standards for such uses; and,

WHEREAS, the Town of Loxahatchee Groves, Florida, believes it is in the best interest of the Town to remove all references to guns, firearms, and gun and shooting ranges in the Unified Land Development Code in order to avoid the potential of conflict with state law, and to defer to the state for regulations of such pursuant to the state’s preemptions as evidenced by Sections 790.33 and 790.333, Florida Statutes.

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. Part II, entitled “Zoning Districts,” Article 25 entitled “Commercial Zoning Districts,” Section 25-015, entitled “Permitted Uses,” of the Town’s Unified Land Development Code, is amended as follows:

Section 25-015. - Permitted uses.

Plots located in the Commercial Low and Commercial Low Office zoning districts may be used for one or more of the following uses.

Principal Uses	Commercial Low (CL)	Commercial Low Office (CLO)
Adult Entertainment	Permitted subject to Article 20	Not Permitted
Arcade, Video	Permitted	Not Permitted
Automobile Repair Garage	Permitted	Not Permitted
Bank or Financial Institution	Permitted	Permitted
Bar, Lounge, Tavern or Pub	Permitted	Not Permitted
Barber Shop, Beauty or Nail Salon	Permitted	Not Permitted
Pool Hall	Permitted	Not Permitted
Car Wash, Self-Service or Automated	Permitted	Not Permitted

Catering or Food Service Delivery	Permitted	Not Permitted
Child Care Center	Permitted	Not Permitted
Commercial Animal Manure Mgmt.	Not Permitted	Not Permitted
Commercial Chipping and Mulching	Permitted subject to Article 80	Not Permitted
Convenience Store	Permitted	Not Permitted
Dance/Night Club	Permitted	Not Permitted
Day Labor Hiring Center	Permitted w/Special Exception	Not Permitted
Delicatessen	Permitted	Not Permitted
Theater or Auditorium	Permitted	Not Permitted
Dry Cleaning or Laundry Service	Permitted	Not Permitted
Employment Agency	Not Permitted	Not Permitted
Essential Services and Utilities	Permitted	Permitted
Exhibition of Wildlife Pets	Permitted subject to Article 80	Not Permitted
Gasoline Station	Permitted	Not Permitted
Shooting Range, Indoor <u>Archery Range</u>	Permitted subject to Article 80	Not Permitted
Hotel	Permitted	Not Permitted
Holiday Wayside Stand	Permitted subject to Article 80	Permitted subject to Article 80
Laboratory (e.g., medical, dental, research)	Permitted	Permitted
Offices (e.g., business, professional, medical)	Permitted	Permitted
Package Liquor, Beer or Wine Store	Permitted	Not Permitted
Outdoor Events	Permitted subject to Article 80 and to a Special Exception	Permitted subject to Article 80 and to a Special Exception
Retail Plant or Produce Sales	Permitted	Not Permitted
Restaurant, Fast Food	Permitted	Not Permitted
Restaurant, Full Service	Permitted	Permitted
Restaurant, Take Out Only	Permitted	Permitted
Retail Services	Permitted	Not Permitted
Retail Store	Permitted	Not Permitted

Commercial Recreation (e.g., batting cages, rink)	Permitted	Not Permitted
Veterinary Clinic or Hospital	Permitted	Not Permitted
Warehouse, Self Storage	Permitted	Not Permitted
Wireless Communication Facilities	Permitted	Permitted
Adult Day Care	Permitted	Permitted
Schools, Public or Private	Permitted	Not Permitted
Gym or Fitness Center	Permitted	Permitted

Section 3. Part II, entitled “Zoning Districts,” Article 35 entitled “Parks and Recreation Zoning Districts,” Section 35-015, entitled “Permitted Uses,” of the Town’s Unified Land Development Code, is amended as follows:

Section 35-015. - Permitted uses.

Plots located in the Parks and Recreation zoning district may be used for one or more of the following specified uses.

Principal Uses	Parks and Recreation
Gun or Archery Range	Permitted subject to Article 80
Boat Ramp, Fishing Pier and Dock	Permitted
Botanical Garden	Permitted
Walking and Biking Trail	Permitted
Essential Services	Permitted
Nature Trail	Permitted
Outdoor Events	Permitted subject to Article 80
Lake or Pond	Permitted
Public Park	Permitted

Section 4. Part III, entitled “Supplemental Regulations,” Article 80, entitled “Conditional Use,” Section 80-040, entitled “Archery and gun ranges,” of the Town’s Unified Land Development Code, is amended as follows:

Section 80-040. - Archery and gun ranges.

Target areas for archery and gun ranges shall provide sufficient separation and barriers sufficient to preclude any intrusion of such activities (including noise above nuisance levels) upon adjacent properties. ~~All gun ranges shall be within a building located on a parcel that has a land use designation of Commercial Low Retail and shall also conform to the Best Management Practices for Environmental Stewardship of Florida Shooting Ranges as outlined by the Florida Department of Environmental Protection.~~

Section 5. Part IV, entitled “Parking and Loading, Access and Subdivision, Sight Distance,” Division I, entitled “Space Requirements, Size and Use, Section 95-010, entitled “Minimum parking space requirements,” of the Town’s Unified Land Development Code, is amended as follows:

Section 95-010. - Minimum parking space requirements.

The minimum parking requirements for each use is outlined below, however, for uses not specifically listed, the parking requirements for the most similar use shall be used as determined by the Town Manager. When the number of required parking spaces results in a fractional space, any such fraction shall require a full parking space. In the case of mixed uses (not including shopping centers), the total requirement for parking spaces shall be the sum of the various uses computed separately. In stadiums, sports arenas, religious facilities, bars and other places of assembly in which occupants utilize benches, pews, stools or other similar seating facilities, every 20 linear inches of such seating shall be counted as one seat for the purpose of computing parking requirements. Every building, use or structure which complies with the parking requirements of this article may provide additional parking spaces as needed.

(E) *Recreational uses:*

Uses	Minimum Parking Requirements
Gun or Archery Range	One parking space per target position
Other Recreational Uses	Determined by agency facilitating and maintaining the use

Section 6: It is the intent of the Town Council that the Town’s ordinances and Unified Land Development Code be interpreted and administered consistent with the state’s preemptions of the regulation of fields of guns and ammunition, and gun ranges.

Section 7. All Ordinances or parts of Ordinances, and all Resolutions or parts of

Resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 8: This Ordinance shall become effective as provided by law.

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

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

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

Janet K. Whipple, Town Clerk

Vice-Mayor Ron Jarriel

Council Member Tom Goltzené

APPROVED AS TO LEGAL FORM:

Council Member Ryan Liang

Office of the Town Attorney

Council Member Jim Rockett