

**TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
AGRI-TOURISM COMMITTEE MEETING**

AGENDA

Wednesday, April 10, 2024 - 6:00 P.M.



Committee Members:

Joseph Chammas, Member
Simon Fernandez, Member
Liza Holman, Member
Martin Holman, Member
Darrin Swank, Member

Administration:

Francine L. Ramaglia, Town Manager
Ruth Holmes, Town Attorney
Interim Town Clerk

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That's why we say "Character Counts" in Town of Loxahatchee Groves. Civility is practiced at all Town meetings.

Special Needs: In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

Quasi-Judicial Hearings: Some of the matters on the Agenda may be "quasi-judicial" in nature. Town Council Members are required to disclose all ex-parte communications regarding these items and are subject to voir dire (a preliminary examination of a witness or a juror by a judge or council) by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment, without being sworn. Unsworn comment will be given its appropriate weight by the Town Council.

Appeal of Decision: If a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

Call to Order

Roll Call

Approval of Agenda

REGULAR AGENDA

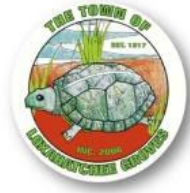
1. Approval of Agritourism Minutes
2. Recommendations for Agritourism ordinance
3. Review draft Agritourism page for Town website

Comments from The Public

The public is encouraged to offer comments on any non-agenda item. Generally, remarks by an individual will be limited to one time, up to three minutes or less. The Chair or presiding officer has discretion to adjust the amount of time allocated.

Adjournment

Comment Cards: Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill out completely with your full name and address so that your comments can be entered correctly in the minutes and give to the Town Clerk. During the agenda item portion of the meeting, you may only address the item on the agenda 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 Council 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.



**TOWN OF LOXAHATCHEE GROVES
ARI-TOURISM COMMITTEE
MEETING MINUTES**

FEBURARY 21, 2024, 6:00 P.M.

*audio available in the Town Clerk's Office
Meetings are also available on YouTube*

1. CALL TO ORDER

Town Manager Francine Ramaglia called the meeting to order at 6:03 p.m.

2. PRESENT

Committee members Darrin Swank, Simon Fernandez, Martin Holman, and Liza Holman; Town Manager Francine Ramaglia, Town Attorney Ruth Holmes, Public Works Coordinator Lexi Collegio were present.

Assistant Deputy Commissioner Steven Hall and Sarah Harris were present via Zoom as guest speakers.

3. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There were no public comments.

REGULAR AGENDA

1. Steven Hall, Assistant Deputy Commissioner, Department of Agriculture and Consumer Services
 - a. Agritourism FAQ
 - b. Comments on proposed ordinance/existing regulations/emergency vehicles

Town Manager Ramaglia informed **Assistant Deputy Commissioner Hall** that there are few zoning districts: the Town is primarily agricultural/residential with some commercial and mixed-use that was approved from the county before being incorporated into the Town.

Town Manager Ramaglia comments that the Town Council seeks information on how to modify the proposed Agritourism Ordinance so that there is a balance between agritourism and non-agritourism neighbors.

Town Manager Ramaglia lists out keep points from previous meeting with Asst. Deputy Commissioner Hall where they discussed 1) Uniform rules for everyone, not just specific for agritourism and 2) how to define “substantial”¹ which Asst Deputy Commissioner Hall had gone over before.

Committee member M. Holman remarks on the importance of Agritourism for small towns. He also seeks to know if everyone agrees that the ordinance will not restrict agritourism.

Committee member Fernandez finds that the ordinance is unnecessary since there are already previously existing laws in place.

Town Attorney Holmes comments on the importance of the ordinance because it was an attempt to inform agritourism operators of what’s expected in the community so that there is a balance between those in the industry and those who are not. The Agri-Tourism committee is meant to report to the Town Council what would constitute as “substantial off-site impacts and give recommendations on how to mediate or mitigate those potential impacts without greatly impacting the agritourism events.

Chair Swank challenges **Town Attorney Holmes** on the issue of noise level because some residents are too noisy while it appears that agritourism events are being singled out.

Committee member Fernandez asks **Asst. Deputy Commissioner Hall** how “substantial” is quantified by the state. The latter clarifies that it is “substantial off-site impact” and explains that there is no judicial definition, so the department relies on the general meaning of the words. He also says that local government can regulate a few things and that the consensus is that light, noise, some aspects of traffic/parking are some of the categories that local governments can apply regulations to. Some local governments use existing ordinances to regulate while others write specific guidelines for agritourism.

Committee member Fernandez insists that the agritourism laws are already clear. The committee simply seeks to clearly define what constitutes as “substantial”. **Asst. Deputy Commissioner Hall** provides some examples on how local governments can address different agritourism issues through additional or existing laws.

Town Manager Ramaglia adds that Special Events Rules and Regulations example is simply an example of how Town does codes.

Committee member M. Holman suggests that conflicts with agritourism be solved on a situational basis. Rather a committee should be formed rather than ordinances be passed. **Chair Swank** and **Town Manager Ramaglia** agree with this.

¹ Referenced in the proposed Agritourism Ordinance

Town Manager Ramaglia adds that businesses can get a voluntary Business Tax Receipt with an agricultural exemption so that if someone comes in to complain the Town can say that the business is within their rights or investigate using existing laws.

Asst Deputy Commissioner states that there is no government entity that can decide whether something is agricultural or not. Operators should be mindful of where they are getting their agricultural exemptions and where they are doing their business since the laws would apply to land declared as agricultural by Property Appraisers.

Town Manager Ramaglia explains that other businesses, along Okeechobee, must call PBSO for management of traffic wherein the business pays for it or the Town calls PBSO wherein the Town pays for it.

Committee member L. Holman mentions the Wellington Holiday Parade where they have large electronic signs for planned road closures and suggests that same concept can be applied for agritourism under special events.

Committee member M. Holman wants to discuss how can the committee address things on a case-by-case basis. **Town Manager Ramaglia** shares how the need for some rules allows for the Town to have the ability to resolve some complaints/conflicts.

2. Continued discussion of Best Management Practices

Ms. Harris describes how her association is working on a document regarding the topic of Best Management Practices. It is on the premise of “being a good neighbor”. Regulations that work for some may not work for others so these practices would be situational.

Town Manager Ramaglia asks **Ms. Harris** what can be done to regulate the off-site impacts of agritourism. She suggests a more laissez-faire approach so long as they have the agricultural exemption. **Ms. Harris** echoes Steven’s earlier points: some local governments use existing ordinances while others do not.

Committee member Fernandez suggests that membership in the agritourism association and having a sign should be enough identification that one is an agritourism operator. To do more would be redundant.

There is a public comment made by Robert Shorr.

Committee member Fernandez insists that there be uniform codes for everyone rather than singling out agritourism.

Town Manager Ramaglia suggests that agritourism operators can use off-site signs and how long they can be up. She also makes the suggestions that this can be refined as the sign code is being rewritten and then presented to Council.

Asst. Deputy Commissioner Hall suggests that the committee give recommendations and feedback regarding the current ordinances that relate to agritourism.

The committee members return to discussing what constitutes as substantial off-site impact. **Committee member L. Holman** suggests that rather than viewing traffic impact qualitatively, it can be viewed narratively to determine what is substantial on a case-by-case basis.

Committee member Swank claims that agritourism operators are being singled out for code and regulation while other groups are always breaking code.

Committee member Fernandez wants to make the motion to ask the Council for guidance and to make the change to traffic, smell, noise, signage, and lighting and then come back to council to make recommendations. No one seconds it.

Asst. Deputy Commissioner and **Ms. Harris** explain how other areas have gone about making their agritourism laws, such as the ones from Miami-Dade.

3. Next Meeting/Future Meeting Schedule

Committee members agree to meet two weeks from this meeting date on 3/6/24.

4. ADJOURNMENT

The community meeting was adjourned around 8:30 p.m.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Committee member Joseph Chammas

Committee member Simon Fernandez

Lexi Collegio, Public Works Coordinator

Committee member Liza Holman

Committee Martin Holman

Committee member Darrin Swank

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**TOWN OF LOXAHATCHEE GROVES
ARI-TOURISM COMMITTEE
MEETING MINUTES
MARCH 6, 2024, 6:00 P.M.**

*audio available in the Town Clerk's Office
Meetings are also available on YouTube*

1. CALL TO ORDER

Town Manager Francine Ramaglia called the meeting to order at 6:03 p.m.

2. PRESENT

Committee members Josph Chammas, Darrin Swank, Simon Fernandez, Martin Holman, and Liza Holman; Town Manager Francine Ramaglia, Town Attorney Ruth Holmes, Town Clerk's Assistant Kathy Adler, and Town Planner Jim Fleischman were present.

Assistant Fire Marshal Chris Henry is present as guest speaker.

3. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There were no public comments.

REGULAR AGENDA

1. Discussion of Public Safety and Emergency Response (Assistant Fire Marshal Chris Henry)

Assistant Fire Marshal Henry presents his first PowerPoint on Agritourism. He provides some relevant definitions.

Town Manager Ramaglia asks for confirmation that if you have a non-residential farm building and it's open to the public but never has more than 35 people, it's exempt from the Florida fire prevention codes which **Assistant Fire Marshal Henry** confirms.

Asst Fire Marshal Henry resumes his presentation with more definitions then moves on to his presentation on Food trucks.

Town Manager Ramaglia says she wants to put the information on the website. **Asst Fire Marshal Henry** agrees to do so.

There are audio difficulties so there are some missing discussions.

Asst Fire Marshal Henry reviews fire code in relation to food trucks.

Town Manager Ramaglia repeats **Asst Fire Marshal Henry's** statement that any food truck operating in town should have the 6-table food truck folder displayed in their food truck. People can email their food truck division to find out whether someone is on the list. Also, food trucks would need county inspection too. She later mentions that the Town does not allow street parking.

Committee members ask **Asst Fire Marshal Henry** some questions and clarification.

2. Consideration of Existing Town Codes (Town Planner compiling list and will attend meeting to walkthrough and answer questions)

Town Planner Fleischman explains how he compiled his packet and how they relate to agritourism. He notes that some of the main concerns is how to address "substantial off-site impacts" which he divides into six categories wherein various town and state statutes may apply.

Committee member Fernandez disagrees with some of the chosen code chosen.

Town Manager Ramaglia states that the code already exists, and that the committee is here to discuss whether it can be applied to agritourism as with everyone, needs adjustment for agritourism , or if there needs to be adjustments made everyone.

The committee members and staff discuss some of the code, homing in on the noise code. It would require some adjustment since the decibel threshold may be too low.

Town Manager Ramaglia suggests that committee members submit one (1) page of feedback regarding the existing Town code.

Town Planner Fleischman reiterates to **committee member Fernandez** that on-street parking is not permissible by Town code.

Committee members and staff continue discussion on parking and traffic. **Town Planner Fleischman** recommends that there be consideration to add some safety mechanism at intersections. **Committee member Swank** worries that agritourism operators are being singled out if they consider sight distance triangle. Discussion moves onto the noise ordinances.

Town Planner Fleischman suggests that rather than decibels as measurement that there be reasonable hours of operation. **Town Manager Ramaglia** agrees and suggests applying it for everyone while agribusiness could get similar extended hours as special events.

Discussion moves to outdoor lighting, then sign codes.

There are audio difficulties so there are some missing discussions.

Town Manager Ramaglia takes note that there seems to be a consensus that in addition to the operating hours for the noise ordinance, lighting and clean up should also be extended by one (1) hour.

Committee member Fernandez states that he will contact other associations in other parts regarding attraction signs to see what they have done.

Town Planner Fleischman and the others discuss alcohol licensure for a few minutes.

Town Manager Ramaglia says that they should gather all their resources and put them on a page on the Town website to make it more easily accessible in lieu of writing a handbook.

The committee agrees to meet back on March 20, 2024, and provide a summary of their recommendations.

4. ADJOURNMENT

The community meeting was adjourned around 8:30 p.m.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Committee member Joseph Chammas

Committee member Simon Fernandez

Committee member Liza Holman

Committee member Martin Holman

There are audio difficulties so there are some missing discussions.

Committee member Darrin Swank

There are audio difficulties so there are some missing discussions.

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Agritourism Committee
FROM: Ruth Holmes and Jim Fleischmann
DATE: April 1, 2024
SUBJECT: Recommendations for Agritourism Offsite Impacts

The Agritourism Committee (Committee) has reviewed the provisions in the Town's Code of Ordinances that may relate to off-site impacts. The following is a list of the impacts discussed, including existing Town Code references and Committee recommendations for their use, revision or replacement. The Committee is asked to confirm or revise each of the recommendations.

Traffic

A. Townwide Traffic Volume

1. The Committee has recommended that the Town adopt townwide local traffic standards to regulate the flow of traffic throughout the Town.
2. The Town's Code does not currently have townwide standards. Such standards are normally based upon acceptable maximum daily and/or peak hour traffic volumes and the projected traffic generation of the various uses that occur in Town.

B. Townwide Traffic Safety

1. The Town's Code contains two principal sections related to traffic safety that the Committee has recommended to be retained on a townwide basis, including as they apply to Agritourism uses; ULDC Section 105-005 *Site Distance Triangle*; and Section 100—045 (6) which prohibits parking on local streets. Copies of these ULDC Sections are included in Attachment A.

2. A requirement for the use Palm Beach Fire Rescue (PBFR) access standards (20-foot driveway width; 13 feet 6-inch clearance; and 90-foot turnaround – circular driveway O.K.). The Committee has recommended that PBFR access standards be used by Agritourism businesses. A recommendation for a Code amendment to require townwide use has not been made.

Parking

The Code does not contain minimum parking requirements for Agritourism. It was discussed by the Committee to use the parking provisions in Code Section 80-025 *Special Event Permits* although no final recommendation was made. A copy of Section 80-025 is included in Attachment B. A code revision to permit off-site parking under certain circumstances should be investigated.

Noise

The Committee reviewed Sec. 50-010, ULDC, which sets forth the townwide regulations for excessive noise. The Committee recommended that the following hours of operation, rather than decibel levels, be used for Agritourism. Monday – Thursday close at 10:00 p.m.; Friday – Sunday close at Midnight. The Committee also recommended that, if decibel levels are to be the Townwide standard, acceptable levels need to be revised above the current standard of 55dB in order to account for levels generated by normal agricultural operations and further reviewed for appropriate hours of operation. A copy of Section 50-010 is included in Attachment C.

Lighting

The Committee reviewed Sec. 50-030, ULDC, which sets forth the townwide regulations for outdoor lighting. The Committee recommends that use of lumens as the standard be reviewed and updated to reflect the same hours of operation that are recommended in the section on Noise, above, and an additional 2 hours be added for cleanup after event closing. Code Section 50-030 is included in Attachment D. Further, refer to Section 80-025 (F) in Attachment B.

Odors

The Committee reviewed Sec. 50-025, ULDC, which sets forth the townwide regulations for objectionable odors. The Committee recommends that these regulations not be applicable to agriculture and agritourism activities. Section 50-025 is included in Attachment E.

Vibrations

The Committee reviewed Sec. 50-020(Y)(2) ULDC, which sets forth the townwide regulations for vibration. The Committee recommends that these regulations not be applicable to agriculture and agritourism activities. Section 50-020 is included in Attachment F.

Dust

The Committee reviewed Sec. 155-010,(Z) ULDC, which requires site plan applications within the Town address visible emissions and particulate matter (including dust, smoke, soot, and aerosols) and Sec. 170-025(A)(9), ULDC, which requires that uses seeking special exception approval within the Town will not result in the creation of incompatible dust. The Committee recommends that these regulations not be applicable to agriculture and agritourism activities. Sections 155-010 and 170-025 are included in Attachment G.

Signage

The Committee discussed the issue of signage with most of the emphasis being on off-site signs. Which are not currently permitted by code. Signs are regulated Townwide in Code Section 90 *Signs*. Signs are regulated by zoning district, with some additional regulations related to prohibited or temporary signs effective in all districts. As agritourism will occur in the AR zoning district, basic sign regulations are in Section 90-040 (A). Code sections pertinent to signs in the AR District are included in Attachment H. A code revision to permit certain types of off-site signs under certain circumstances should be investigated.

Substantial Offsite Impacts

The Committee recommends that the townwide standards for traffic, parking, noise and outdoor lighting, as discussed above, are generally appropriate limits to control and regulate potential offsite impacts generated by agritourism activities. Further, regulations to govern offsite parking and signage in the AR zoning district should be incorporated within the Town Code.

Mitigation of substantial offsite impacts

The Committee reviewed the proposed mitigation provisions in the draft Ordinance. The Committee recommends that these mitigation provisions be deleted. The Committee recommends that alleged substantial offsite impacts be brought through the code enforcement process.

Business Tax Receipt (BTR)

The Committee discussed BTRs as they relate to Agritourism uses. Although a consensus was not determined, either pro or con, there was some support for businesses voluntarily filing a BTR.

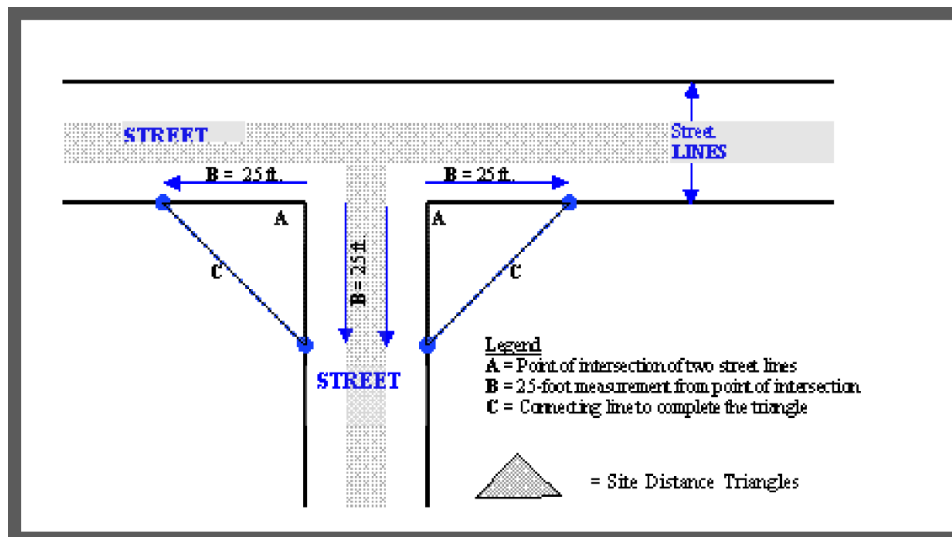
Agritourism Website

The Committee discussed the possibility of incorporating an Agritourism page on the Town's Official Website to potentially consist of general information on the creation and implementation of an Agribusiness and a list of businesses in Loxahatchee Groves. The draft general information component will be disseminated at the next Committee meeting.

ATTACHMENT A - TRAFFC

100-045(6) Section 105-005. Sight distance triangle.

- (A) The Town hereby establishes a mandatory sight distance triangle for the purposes of ensuring adequate cross visibility at the following types of intersections:
- (1) *Intersection of driveway and street.* Where a driveway intersects a street, the triangular area of property on both sides of a driveway, measured ten feet from the intersection, and on the street line, measured ten feet from the intersection, shall form two legs of the sight distance triangle, and the third side being a line connecting the ends of the two other sides.
 - (2) *Intersection of trail and street.* Where a trail intersects a street, the triangular area of property on both sides of a trail, measured ten feet from the intersection, and on the street line, measured ten feet from the intersection, shall form two legs of the sight distance triangle, and the third side being a line connecting the ends of the two other sides.
 - (3) *Intersection of two streets.* Where two streets intersect, the triangular area of property on all sides of the intersection, measured 25 feet from the intersection, and on the street line, measured 25 feet from the intersection, shall form two legs of the sight distance triangle, and the third side being a line connecting the ends of the two other sides.
- (B) Within any sight distance triangle described in paragraph (A), above, it shall not be permissible to install, set out or maintain, or to allow the installation, setting out or maintenance of, either temporarily or permanently, any vehicular parking space, sign, fence or wall, hedge, shrubbery, tree, earth mound, natural growth or other obstruction of any kind which obstructs cross-visibility at a level between 30 inches and eight feet above the level of the center of the adjacent intersection except that:
- (1) Fences or walls within the sight triangle can be constructed in such a manner as to provide adequate cross-visibility over or through the structure between 30 inches and eight feet in height above the driving surface.
 - (2) Trees having limbs and foliage can be trimmed in such a manner that no limbs or foliage extend into the area between 30 inches and eight feet above the level of the center of the adjacent intersection.
 - (3) Fire hydrants and public utility poles are permissible.
 - (4) Street markers and traffic control devices are permissible.



Section 100-045. Minimum standards for public and private streets.

The design and construction of public and private streets shall be in accordance with acceptable engineering principles. The design and construction of required improvements shall, at a minimum, be in accordance with current Town standards, including those contained in this article. Should a developer elect to provide improvements of a type or design proposed to equal or exceed the minimum requirements, standards for design and construction of such improvements shall be submitted for approval and evaluated for adequacy on an individual basis by the Town Engineer.

- (A) *Local roadway design standards.* The design of all local roadways (public and private) shall be as follows:
 - (1) *Volume.* Typical volume of local roadways shall be between zero and 2,000 vehicles per day.
 - (2) *Access.* Local roadways shall provide primary access to residential and agricultural properties and limited commercial development. Cut-through traffic is to be discouraged. Other than connecting to Okeechobee Boulevard or Southern Boulevard, local roadways shall not provide access to or from areas outside the Town's corporate limits.
 - (3) *Design speed.* Local roadways shall be designed for travel at a maximum of 30 miles per hour.
 - (4) *Required right-of-way dedication.* The minimum right-of-way dedication for all new local roadways shall be 30 feet, however, at the discretion of the Town Engineer, this minimum may be increased in order to provide sufficient drainage, canal maintenance, or to implement the Loxahatchee Groves Master Roadway, Equestrian and Greenway Plan, 2009 (MREG, 2009).
 - (5) *Construction of roadway.* The entire width of the right-of-way shall be demucked before construction of the roadbed begins. No material of FDOT Class A-5, A-7 or A-8 shall be allowed. All material supporting the roadway and shoulders shall have a minimum load bearing ratio (LBR) of 40. The top 12 inches of the undisturbed soil shall be compacted to 100 percent of maximum dry density as per AASHTO T-99-C. Unless otherwise approved by the Town Engineer, lime rock or shell rock bases shall be at least six inches thick and shall have a minimum LBR of 100. Base material shall be compacted to a density of not less than 98 percent of maximum density as determined by AASHTO T-180. Roadway surface shall consist of at least a three-inch layer of open graded emulsified mix (OGEM) or a surface material of equivalent durability, as certified by an engineer.
 - (6) *On-street parking.* Parking on local roadways is prohibited.
 - (7) *Traffic calming.* The Town Council shall have the authority to approve traffic calming devices.
 - (8) *Turnaround.* Any local roadway that does not conclude as an intersection of another roadway shall provide a turnaround of adequate dimension, as determined by the Town Engineer, to allow for the successful maneuvering and redirection of large vehicles such as emergency service and refuse collection vehicles.
 - (9) *Other.* Traffic signals, curbs, turn lanes, medians and sidewalks shall not be provided unless specifically required by the Town Engineer.
 - (10) *[Governed by District.]* Standards for roadways under the jurisdiction of the Loxahatchee Groves Water Control District shall be governed by standards developed by the District.

ATTACHMENT B - SPECIAL EVENTS (Selected Sections Only)

Section 80-025. Special event permits.

- (D) *Access.* Vehicular access onto any plot used for a special 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 special 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."
- (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 special event.

ATTACHMENT C - NOISE

Section 50-010. Excessive noise.

- (A) The following are prohibited in the Town in that such activities create excessive noise.
 - (1) Any use, activity or operation which generates a sound level of 55 dB or greater on any surrounding property between the hours of 7:00 a.m. and 10:00 p.m.
 - (2) Any use, activity, or operation which generates a sound level of 50 dB on any surrounding property between the hours of 10:00 p.m. and 7:00 a.m.
 - (3) Any use, activity or operation that creates a sound level in excess of the foregoing limits for more than ten percent of any time period of not less than ten minutes, shall be a violation of these regulations.
- (B) Sound Level Measurement Compliance shall be determined using a Type 2 or equivalent sound level meter using the A Weighting Scale in accordance with the standards of the American National Standards Institute (ANSI). All measurements shall be made with a sound meter at the required structural setbacks of the property of the landowner filing the complaint.
- (C) The following exceptions apply:
 - (1) Outdoor events (operating with a valid permit)
 - (2) Government sanctioned activities (e.g., parades, Town celebrations)
 - (3) Temporary, Portable Generators used only during periods of electrical power outages in utility distribution systems maintained by the utility service provider.
 - (4) Sound generated from motor vehicles legally operating on any public right-of-way regulated by F.S. ch. 316, (Uniform Traffic Control Law).

ATTACHMENT D - LIGHTING

Section 50-030. Outdoor lighting.

- (A) *Purpose and intent.* The purpose and intent of this section is to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Furthermore, it is to preserve the rural character of the Town of Loxahatchee Groves and promote the health, safety and welfare of the residents by establishing maximum intensities of lighting and controlling glare from lighting fixtures. The provisions of this section shall apply to all outdoor lighting from an artificial light source.
- (B) *Definitions.* In addition to terms defined in Article 10, "Definitions, Abbreviations, and Construction of Terms", the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. In the absence of a specific technical definition, words and phrases shall have those definitions and meanings as provided by the Illuminating Engineering Society of North America.
- (1) *Athletic field lighting.* Any lighting greater than 35 feet in height utilized to illuminate sports facilities.
 - (2) *Area light.* Light that produces more than 1,800 lumens.
 - (3) *Cutoff, full.* A lighting fixture that emits zero percent of its light above 90 degrees and only ten percent above 80 degrees from horizontal.
 - (4) *Floodlight.* Any light that produces no more than 1,800 lumens in a broad beam designed to saturate or illuminate a given area with light. Generally, flood lights produce from 1,000 to 1,800 lumens. Floodlights are directional fixtures.
 - (5) *Glare.* The sensation produced by lighting that results in annoyance, discomfort or a reduction of visual performance and visibility, and includes direct and reflected glare. All directional fixtures and any fixture with an output of more than 1,800 lumens that is visible, either directly or by reflection, from adjacent properties or streets shall be considered to cause glare.
 - (6) *Open air parking.* Open air parking shall be synonymous with the term vehicular use area, as defined in ULDC Section 85-015(E).
 - (7) *Outdoor lighting.* Lighting located outside of an enclosed building, or otherwise installed in a manner that lights any area other than the inside of an enclosed building.
 - (8) *Residential and agricultural recreational lighting.* Fixtures of a type or intensity designed or used to light sports courts or equestrian riding areas.
 - (9) *Spotlight.* Any lighting assembly designed to direct the output of a contained lamp in a specific, narrow and focused beam, with a reflector located external to the lamp. Spotlights are directional fixtures.
 - (10) *Stadium lighting.* See the definition for "athletic field lighting."
 - (11) *Temporary lighting.* Portable lights used for a special purpose, on a temporary and rare or infrequent basis, limited to motor vehicle lights during the normal operation of the vehicles, emergency services lights and handheld flashlights and spotlights.
 - (12) *Uplighting.* Light projected above the horizontal plane formed by the top of fixture.

(C) *Prohibited outdoor lighting.* The following types of outdoor lighting are not permitted in the Town of Loxahatchee Groves.

- (1) Uplighting, unless limited to 1,000 lumens and either shielded by an architectural overhang or landscape element or used to illuminate the flag of the United States of America.
- (2) Area lights other than those with full cutoff fixtures.

ATTACHMENT E - ODORS

Section 50-025. Objectionable odors.

No person shall cause, suffer, allow or commit the discharge of air pollutants which contribute to an objectionable odor in accordance with Rule 62-296.320(2) F.A.C., as may be amended from time to time.

ATTACHMENT F - VIBRATIONS

Section 50-020. Vibration.

In all districts, no use shall operate nor any activity take place so as to produce vibration noticeable by a person of reasonable sensitivity at the property line, including bass emanating from audio speakers.

ATTACHMENT G- DUST

Section 155-010. Submission requirements.

In addition to the application submission requirements of Article 110, "General Application Requirements," an application for site plan approval or modification shall include the items and information listed below. The overall size of the site plan shall be 24 inches by 36 inches, drawn at a scale not less than one inch equals 50 feet, unless a smaller scale is permitted by the Town Manager. The Manager may waive a submittal requirement if, in the Manager's opinion, it is not necessary for proper evaluation of a proposed site plan due to the limited scope of the proposal or the existence of previously submitted information that satisfies a submittal requirement.

- (Z) Additional documentation for non-residential site plans. An applicant for site plan approval for a non-residential use shall provide written documentation with the application demonstrating the specific measures that will be taken to prevent or minimize impacts upon adjacent residential plots within 250 feet of a boundary of the site plan. These impacts include the effects of excessive noise, objectionable odors, visible emissions, particulate matter (including dust, smoke, soot, and aerosols), solid wastes, hazardous wastes, fire and explosion. Specific measures include but are not limited to the provision of setbacks, buffers, landscaping, fencing, walls, and/or other measures as required by the ULDC.

Section 170-025. Special exception use review standards; Town Council action.

(A) The Town Council shall review Category A special exception applications to determine whether the special exception use complies with the following standards. The Town Manager shall review Category B applications to determine whether the special exception use complies with the following standards:

- (9) That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character.

ATTACHMENT H – SIGNS

Section 90-010. Definitions. (Partial List)

Area of sign. The total area of each sign face which may be used to display copy, including background, but not including the frame and structural supporting elements. Where a sign is composed of individual letters, characters or symbols applied directly to a building, canopy, marquee, mansard, fascia, facade, parapet, awning, wall or fence, the area of the sign shall be the smallest rectangle, triangle or circle which will enclose all of the letters, characters or symbols. The area of a double-faced sign shall be the total area of each sign face.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 90-015. Prohibited signs.

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

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

Section 90-020. Temporary signs.

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

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

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

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

(1) *Mandatory building identification sign:*

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

(2) *Garage sale sign:*

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

(3) *Real estate sign:*

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

(4) *Seasonal or holiday signage:*

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

(5) *Opinion sign:*

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

Section 90-045. Temporary signs.

- (A) A permit as required in Section 05-040 shall be obtained for any temporary sign six square feet or larger in size.
- (B) No more than four temporary signs shall be erected per plot for any period of time.

- (C) Temporary signs shall not be larger or higher than any permanent sign permitted on the premises where the sign will be located.
- (D) No temporary sign shall be placed on public property or in a public ingress/egress easement. Signs placed in violation of this provision shall be considered abandoned and shall be subject to removal without notice by the Town.
- (E) Lighting of temporary signs is prohibited.
- (F) Unless otherwise stated, temporary signs shall be removed within six months from the date that the sign was erected.

Section 90-060. Flags.

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

Section 90-070. Sign permit requirements.

- (F) Permit exemptions. Permits shall not be required for the following signs:
 - (1) Temporary signs six feet in area or height or less;
 - (2) Holiday signage;
 - (3) Murals;
 - (4) Flags;
 - (5) Public service signs;
 - (6) Traffic control signs;
 - (7) Any sign on a plot, or portion of a plot, used as a farm and pertaining to farm activities

Select Year:

The 2023 Florida Statutes (including Special Session C)

[Title XIV](#)

TAXATION AND FINANCE

[Chapter 205](#)

LOCAL BUSINESS TAXES

[View Entire Chapter](#)

205.064 Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, and tropical fish farm products; certain exemptions.—

(1) A local business tax receipt is not required of any person for the privilege of engaging in the selling of farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, or tropical fish farm products, or products manufactured therefrom, except intoxicating liquors, wine, or beer, when such products were grown or produced by such person in the state.

(2) A wholesale farmers' produce market may pay a tax of not more than \$200 for a receipt that will entitle the market's stall tenants to engage in the selling of agricultural and horticultural products therein, in lieu of such tenants being required to obtain individual local business tax receipts to so engage.

History.—s. 1, ch. 74-271; s. 2, ch. 87-367; s. 17, ch. 2006-152; ss. 3, 9, ch. 2011-7; HJR 7103, 2011 Regular Session.

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BUSINESS TAX RECEIPT (BTR) FEE EXEMPTION REQUEST

TOWN OF LOXAHATCHEE GROVES

155 F Road · Loxahatchee Groves, Florida 33470 · (561) 793-2418 Phone · (561) 793-2420 Fax · loxahatcheegrovesfl.gov

Name of Applicant: _____

Name of Business/Organization/Entity: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Mailing Address (if different from above): _____

City: _____ State: _____ Zip: _____

Local BTR #: _____

Federal Employer Identification Number (FEIN): _____

or Social Security Number: _____

Contact Person: _____ Title/Relationship: _____

Phone: _____ Alternate Phone: _____

Email: _____

I, the Applicant, do hereby attest, under penalty of perjury, that I (check one):

- am a veteran of the United States Armed Forces who has been honorably discharged, or the spouse or unremarried surviving spouse of such a veteran;
- am the spouse of an active duty military servicemember who has relocated to the Town of Loxahatchee Groves pursuant to a permanent change of station order;
- am a person who is receiving public assistance as defined in Section 409.2554, Florida Statutes; or
- am a person whose household income is below 130 percent of the federal poverty level based on the current year's federal poverty guidelines;

AND (check one):

- own a majority interest in the Business and the Business has fewer than 100 employees; or
- this section is not applicable to me.

OR

- am a disabled person physically incapable of manual labor, a widow with minor dependents, or 65 years of age or older; and
 - have not more than one (1) employee or helper;
 - use my own capital only (not in excess of \$1,000); and
 - am a resident of the Town of Loxahatchee Groves.

And, with this request, I am providing written documentation in support of my request to the Town of Loxahatchee Groves (i.e. discharge papers, proof of income, Sunbiz reports, physician certification*). I understand that this request will not be processed without supporting documentation being provided.

*Sample Form for Physician Certification is attached hereto as Exhibit "A".

I further attest that if granted, this exemption will only be used in the manner authorized under the provisions of Chapter 205, Florida Statutes, and I understand that this exemption does not apply to any amount required by law for the issuance of a license to sell intoxicating liquors or malt and vinous beverages.

APPLICANT:

STATE OF _____)

COUNTY OF _____)

Sworn to (or affirmed) and subscribed before me by means of [] physical presence or [] online notarization, this _____ this _____ day of _____, 20__, by _____, who is [] personally known to me or [] produced _____ as identification.

(Signature of Notary Public-State of Florida)

(Print, type, or stamp commissioned name of Notary public)

Exhibit "A"

PHYSICIAN CERTIFICATION FOR DISABLED PERSONS

STATE OF _____)
COUNTY OF _____)

I, _____, hereby certify that I am a licensed practicing physician, located at _____, Florida, and I am personally acquainted with _____ ("Applicant") who is an applicant for the exemption from payment of business tax under the provisions of Chapter 205, Florida Statutes, and that on _____ I have thoroughly examined the Applicant and found him or her to be physically disabled. The nature and extent of the Applicant's disability are as follows:

Signature

Print Name

Date: _____

Address:

Phone No.: _____

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Agritourism

Based on the definition used in [ss. 570.85-570.89](#), the term:

“Agritourism activity” means any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities. More information in the toolkit in the left column.



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Tourist Oriented Direction Signage

Signage on Farm Property

Retail Sales and Cottage Foods

Town Clerk's Office +

Town Manager's Office +

Some Examples

- Farm/plantation tours
- Horseback riding
- Butterfly Farms
- Seasonal harvest-time activities
- Farm festivals and cultural events
- Weddings
- Receptions
- Picnics
- Workshops such as horse training, arts and crafts and flower arranging

More examples found of pages 29-30 on the toolkit

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Tourist Oriented Direction Signage

Tourist Oriented Directional Signage (TODS) – TODS are standard-design white on blue service guide signs for use on rural roads. Signs have one or more panels that provide the business name and directional information. This sign program, created in 2007 and amended in 2014, includes rural areas in all Florida counties. (288.0656, Florida Statutes)

The program applies to intersections on rural and conventional state, county, or municipal roads. This is a very exciting signage opportunity for many agritourism businesses. However, your local county must decide to implement the program, as it is voluntary by counties and not mandatory. A county or local government that issues permits for a TODS program is responsible for sign construction, maintenance, and program operation for roads on the state highway system and may establish permit fees sufficient to offset associated costs. TOD signs may not be placed within the right-of-way of limited access facilities; within the right-of-way of a limited access facility interchange, regardless of jurisdiction or local road classification; on conventional roads in urban areas; or at interchanges on freeways or expressways. FATA wants to work with you and your local county officials to get the TODS program established in every Florida county. Contact us if you want to help spearhead efforts in your county to have the TODS program implemented

Temporary Harvest Season Signs – Seasonal signage is permitted. Signs can measure up to 32 square feet but may only list the name, distance and/ or direction of a farm operation. Signs must be erected at a road junction within the state highway system. Such signs may be erected during harvest season, not to exceed four months. Harvest signs may not be located in the right-of-way. The farm must either own the property where the sign is placed or have permission from the property owner. This type of signage is ideal for seasonal u-pick operations, festivals, and crop mazes.

More information in pages 40-41 of toolkit

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Signage on Farm Property

The following types of signage are exempt from state statute signage regulations and are permitted at agritourism operation locations.

Signs erected on the premises of an establishment, which consist primarily of the name of the establishment, or which identify the principal or accessory merchandise, services, activities, or entertainment sold, produced, manufactured, or furnished on the premises of the establishment. (If a sign located on the premises of an establishment consists principally of brand name or trade name advertising and the merchandise or service is only incidental to the principal activity, or if the owner of the establishment receives rental income from the sign, then the sign is not exempt.)

Signs erected, used, or maintained on a farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, service, or entertainment sold, produced, manufactured, or furnished on the farm.

More information in page 41 of toolkit

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Retail Sales

Do you want to offer snack food and drinks to guests? Some examples provided below

- Fresh uncut produce
- Fresh cut produce*
- Baked goods/breads
- Dairy products*
- Plants/flowers/trees
- Jellies/jams/honey
- Nuts or nut products
- Meats*
- Wine*
- Salsas*
- Juices*
- Pick your own fruit or vegetables
- Other value-added products

**Some food products cannot be sold to the public unless properly licensed as a processing facility. Licensure of this nature demands more regulatory oversight. See the Licensing and Business Resources section of Toolkit for more information*

Also note that how you offer food and refreshments to customers will determine if there are additional mandatory licensing and training requirement. If you provide food other than cottage foods then you are required to have a food manager on duty during times of food preparation and employees must be trained in food handling practices.

There are exemptions:

- Commercially prepacked food, not potentially hazardous, not time- or temperature-controlled, shelf space does not exceed 12 linear feet, and no other food is sold
- Food service is limited to ice, beverages, popcorn, or prepacked items that need no other preparation or additions
- Vending machines may require licensure from the county and town government. Foods that must be maintained under refrigeration or kept frozen, likely needs a state food service license from Florida Department of Business and Professional Regulation (DBPR)

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Cottage Foods

Cottage foods are homemade foods that can be prepared in an unlicensed home kitchen and sold to the general public:

- Can be sold to consumer from the operator's primary residence, farmers' markets, flea markets and roadside stands
- Must be labeled in accordance with [Chapter 500.80, Florida Statutes](#), and the [US Code of Federal Regulations Title 21 part 101](#)

Approved Cottage Food Products

- Loaf bread, rolls, biscuits
- Cakes, pastries, and cookies
- Candies and confections
- Honey
- Jams, jellies, and preserves
- Fruit pies and dried fruits
- Dry herbs, seasoning, and mixtures
- Homemade pasta
- Cereals, trail mixes, and granola
- Coated or uncoated nuts
- Vinegar and flavored vinegars
- Popcorn and popcorn balls

Food That **DO NOT** Fall Under This Law

- Any potentially hazardous food or TCS food*
- Fresh and dried meat or meat products
- Canned fruits, vegetables, salsas, etc.
- Fish or shellfish products
- Canned, pickled products such as corn relish, pickles, sauerkraut
- Beverages
- Raw seed sprouts
- Baked goods that require temperature control
- Milk and dairy products, including all cheeses and yogurts
- Cut fresh fruits and/or vegetables or juices made from fresh fruits or vegetables
- Ice and/or ice products
- Barbeque sauces, ketchups, and/or mustards
- Focaccia-style breads with vegetables and/or cheeses
- Pet foods/treats (for information about these, contact FDACS Feed Inspection Program)

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*Potentially Hazardous Food is a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganisms growth or toxin formation; an animal food that is raw or heat-treated; a plant food that is heat treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.

The Following Locations Are Not Acceptable for Processing Cottage Foods:

Permitted facilities (licensed by FDACS, DBPR, or the Department of Health), garages, sheds, barns, or other outbuildings

Cottage Foods Can Only Be Sold to the Consumer From

- The cottage food operation (primary residence)
- Farmer's markets
- Roadside stands
- Mail order and internet

Cottage Foods **Cannot** Be Sold

- Wholesale (no restaurant or grocery stores)
- Consignment

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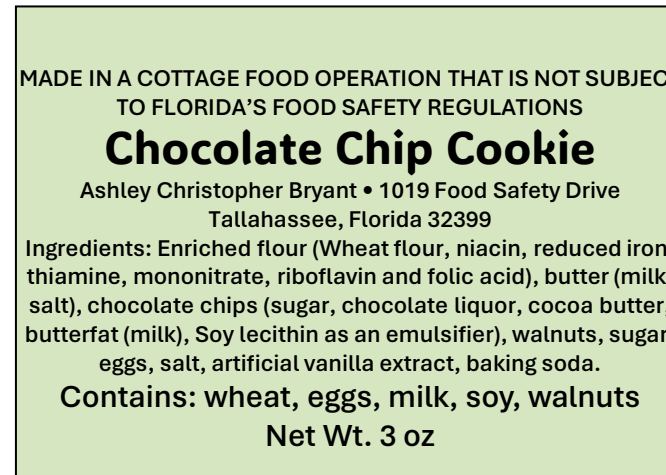
Town Clerk's Office +

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Cottage foods are required to be labeled in accordance with the law. Labeling must be printed in English and include:

- Name and physical address of the cottage food operation (A post office box is unacceptable)
- Name of the cottage food product (all capital letters or upper/lower case are both acceptable)
- The ingredients of the cottage food product, in descending order of predominance by weight. If you use a prepared item in your recipe, you must list the sub-ingredients as well. For example: soy sauce is not acceptable, soy sauce (wheat, soybeans, salt) would be acceptable
- The net weight or net volume of the cottage food product
- Allergen information as specified in federal labeling requirements
- **Cottage foods must also include the following statement on the label, printed with 10-point type minimum:**
 - MADE IN A COTTAGE FOOD OPERATION THAT IS NOT SUBJECT TO FLORIDA'S FOOD SAFETY REGULATIONS

An example of a label:



Allergen labeling for cottage foods is specific. All cottage food products must be labeled in accordance with the United States Code of Federal Regulations Title 21, Part 101. As a cottage food operator, you must identify if any of your ingredients are made from one of the following food groups: eggs, milk, wheat, peanuts, soybeans, fish, and tree nuts. In the sample label provided above, possible allergens are identified as “Contains: wheat, eggs, milk, soy, and walnuts.” This labeling allows consumers to avoid food which may be harmful to them

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To obtain addition information on labeling, visit www.fda.gov

Finally, FDACS may investigate any complaint received for a cottage food operation. If your operation is the subject of a complaint, you must allow a FDACS employee or officer in your cottage food operation to conduct an inspection. The employee or officer determines compliance with applicable laws, rules, and regulations. If you refuse to allow a FDACS employee or officer to inspect your cottage food operation, FDACS may take disciplinary action which may include a fine of up to \$5,000.

Sale of Alcoholic Beverages

The sale of alcoholic beverages in Florida is regulated by the state. If you are interested in potentially offering this type of beverage service to guests, then you must contact the DBPR Division of Alcoholic Beverages and Tobacco (ABT).

If you wish to sell beer or wine, you can purchase a consumption on premises license or a package license. There are no restrictions on the number of licenses issued to sell beer and wine. If you wish to sell liquor, a quota license must be obtained. These are limited in number throughout the state, based on county population. To view the various types of alcoholic beverage and tobacco licenses available, as well as applicable fees,

visit www.myfloridalicense.com/dbpr/abt/rules_statutes/license_types.pdf

www.myfloridalicense.com/dbpr/abt/documents/fee_chart.pdf.

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Taxable Items

There are a number of items that are taxable under the Florida Department of Revenue tax code.

https://floridarevenue.com/forms_library/current/dr46nt.pdf

Be sure you are remitting your tax receipts for your agritourism activities when applicable. We highly recommend consulting a certified public accountant, tax consultant, and/or attorney regarding your particular tax situation and circumstance. Here are some examples of taxable and non-taxable items as of the publishing of this toolkit. If you are unsure, please consult the Florida Department of Revenue for current information.

Taxable	Non-Taxable
Admissions (e.g., farm gate admissions)	Rental of facility/barn (weddings, etc.)
Alcoholic beverages (e.g., beer wine spirits)	Activity fee (dunking booth, hayride)
Equipment rentals (table, chairs)	Cottage foods
Event tickets (e.g., concerts, festivals, Farm-to-table dinners)	Farm products direct from the farm (eggs, honey, fruits and vegetables)
Educational events supplies and materials	Educational events (e.g., workshops)
Value-added products (e.g., soaps, decorative gourds)	Vegetable and herb plants
Decorative plants and/or cut flowers	Processed agricultural products (e.g. salsas, jams, olive oil)
Fee (e.g., to host a barn wedding, Crafting classes)	
Food products sold ready for Immediate consumption	