

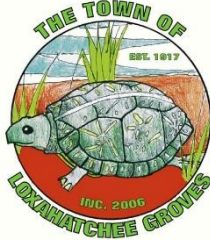
TOWN OF LOXAHATCHEE GROVES

TOWN HALL COUNCIL CHAMBERS

TOWN COUNCIL

AGENDA

MAY 13, 2025 – 6:00 PM



Anita Kane, Mayor (Seat 3)

Phillis Maniglia, Councilmember (Seat 1) Lisa El-Ramey, Councilmember (Seat 2)

Paul T. Coleman II, Councilmember (Seat 4) Marge Herzog, Vice Mayor (Seat 5)

Administration

Town Manager, Francine L. Ramaglia

Town Attorney, Torcivia, Donlon, Goddeau & Rubin, P.A.

Town Clerk, Valerie Oakes

Public Works Director, Richard Gallant

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 is why we say "Character Counts" in Town of Loxahatchee. 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.

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL

ADDITIONS, DELETIONS AND MODIFICATIONS

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Public Comments for all meetings may be received by email, or in writing to the Town Clerk's Office until 12:00 PM (Noon) day of the meeting. Comments will be "received and filed" to be acknowledged as part of the official public record of the meeting. Town Council meetings are livestreamed and close-captioned for the general public via our website, instructions are posted there.

CONSENT AGENDA

- [1.](#) Approval of the Town Council's 2025 Summer Schedule
- [2.](#) Consideration of Approval on **Resolution No. 2025-33**: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RATIFYING THE APPOINTMENT OF PETER LOMUTO AS A VOTING MEMBER OF THE FINANCE AUDIT AND ADVISORY COMMITTEE (FAAC) AS APPROVED AT THE MAY 6, 2025, REGULAR TOWN COUNCIL MEETING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.
- [3.](#) Consideration of Approval on **Resolution No. 2025-34**: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RATIFYING THE APPOINTMENT OF CASSIE SUCHY AS A REGULAR MEMBER OF THE TOWN'S PLANNING AND ZONING BOARD, ALSO SERVING AS THE LOCAL PLANNING AGENCY; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.
- [4.](#) Consideration of Approval on **Resolution No. 2025-35**: RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING A MEMBER TO THE UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE DUE TO A VACANCY; PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.

REGULAR AGENDA

- [5.](#) Consideration of Approval of **Ordinance No. 2025-02** on First Reading: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ARTICLE I “IN GENERAL,” ARTICLE II “IMPROPER DISPOSAL OF WASTE MATERIALS,” AND ARTICLE III “COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED,” ALL OF CHAPTER 38 “SOLID WASTE,” OF THE LOXAHATCHEE GROVES CODE OF ORDINANCES; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.
- [6.](#) Appointing Mayor Anita Kane to the Resilient Florida Steering Committee

DISCUSSION

- [7.](#) Discussion on Livestock Waste Non-Exclusive Franchise Program to Replace Registration Program as Required by FS 163.3205
- [8.](#) Discussion on Charter Review Amendments
- [9.](#) Discussion of Proposed Ordinance Updates to the Unified Land Development Code
- [10.](#) Discussion of Scheduling Council and Community Strategic Planning
 - A. Committee Protocol
 - B. Council Policy Action Plan
 - C. Council Meeting Action Plan
- [11.](#) Discussion of Rural Vista Guidelines
- [12.](#) Discussion on Status of the Recreational Vehicle Ordinance
- [13.](#) Discussion on Upcoming Planning and Zoning Petitions

TOWN STAFF COMMENTS

Town Manager

Town Attorney

Public Works Director

Town Clerk

TOWN COUNCILMEMBER COMMENTS

Councilmember Phillis Maniglia (Seat 1)

Councilmember Lisa El-Ramey (Seat 2)

Councilmember Paul Coleman II (Seat 4)

Vice Mayor Marge Herzog (Seat 5)

Mayor Anita Kane (Seat 3)

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.



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council

FROM: Valerie Oakes, Town Clerk

VIA: Francine Ramaglia, Town Manager

DATE: May 13, 2025

SUBJECT: Approval of the Town Council's 2025 Summer Schedule

Background:

Per the Town Council's discussion at their meeting on May 6, 2025, below please find a tentative summer schedule to hold an additional meeting monthly on the third Tuesday of the month:

Tuesday, June 17, 2025, at 6:00 p.m. – No community discussion.

Tuesday, July 15, 2025, at 6:00 p.m. – No community discussion.

Tuesday, August 19, 2025, at 6:00 p.m. – No community discussion.

Recommendation:

Review and approve the 2025 summer schedule.

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Loxahatchee Groves Town Council

VIA: Francine L. Ramaglia, Town Manager

FROM: Office of the Town Clerk

DATE: Tuesday, May 13, 2025

SUBJECT: Consideration of Approval on *Resolution No. 2025-33* - Ratification of Appointment to the Finance Audit and Advisory Committee (FAAC) – Peter Lomuto

Background:

On May 19, 2009, the Town Council adopted Resolution No. 2009-008 establishing the Finance Advisory Board to provide recommendations to the Town Council on matters relating to the Town's budget and financial performance. Since then, the board has undergone several modifications, including name changes and structural amendments through Resolutions 2018-17 and 2020-01, and is now known as the Finance Audit and Advisory Committee (FAAC).

At the Regular Town Council Meeting held on May 6, 2025, the Town Council unanimously approved the appointment of Peter Lomuto to serve as a voting member of the FAAC.

Recommendation:

Staff recommends that the Town Council approve *Resolution No. 2025-33*, ratifying the unanimous appointment of Peter Lomuto to the Finance Audit and Advisory Committee (FAAC).

**TOWN OF LOXAHATCHEE GROVES
RESOLUTION NO. 2025-33**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RATIFYING THE APPOINTMENT OF PETER LOMUTO AS A VOTING MEMBER OF THE FINANCE AUDIT AND ADVISORY COMMITTEE (FAAC) AS APPROVED AT THE MAY 6, 2025, REGULAR TOWN COUNCIL MEETING; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on May 19, 2009, the Town Council of the Town of Loxahatchee Groves (Town Council) adopted Resolution No. 2009-008, establishing the “Finance Advisory Board” to advise the Town Council on matters related to the Town’s budget, financial activities, and other related issues; and

WHEREAS, the Town Council has adopted subsequent resolutions amending and renaming the “Finance Advisory Board” as the “Finance and Audit Committee” (FAAC); and

WHEREAS, on April 3, 2018, the Town Council adopted Resolution No. 2018-17, repealing and replacing all prior resolutions related to the FAAC and re-establishing the FAAC; and

WHEREAS, on March 3, 2020, the Town Council adopted Resolution No. 2020-01, further amending Resolution No. 2018-17 regarding the composition, terms, and attendance requirements of FAAC members; and

WHEREAS, at its Regular Town Council Meeting on May 6, 2025, the Town Council unanimously approved the appointment of Peter Lomuto to serve as a voting member of the Finance Audit and Advisory Committee (FAAC); and

WHEREAS, the Town Council now desires to ratify said appointment by formal resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, as follows:

Section 1. That the foregoing “WHEREAS” clauses are confirmed and ratified as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Council hereby ratifies the unanimous appointment of **Peter Lomuto** as a **voting member** of the Town's Finance Audit and Advisory Committee (FAAC) for the term of **March 18, 2025, through March 18, 2026**, or until such time as new rules or regulations regarding advisory board composition are adopted, whichever occurs first.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

Councilmember _____ offered the foregoing resolution. Councilmember _____ seconded the motion, and upon being put to a vote, the Resolution is hereby:

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 13th DAY OF MAY, 2025.

ATTEST:

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

Valerie Oakes, Town Clerk

Voted:
Mayor Anita Kane, Seat 3

APPROVED AS TO LEGAL FORM:

Voted:
Vice Mayor Margaret Herzog, Seat 5

Office of the Town Attorney

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Lisa El-Ramey, Seat 2

Voted:
Councilmember Paul Coleman II, Seat 4

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Loxahatchee Groves Town Council

VIA: Francine L. Ramaglia, Town Manager

FROM: Office of the Town Clerk

DATE: Tuesday, May 13, 2025

SUBJECT: Consideration of Approval on *Resolution No. 2025-34* - Ratification of Appointment – Cassie Suchy to the Planning and Zoning Board / Local Planning Agency (LPA)

Background:

The Planning and Zoning Board, established under Chapter 34, Article II of the Town Code, serves as the advisory board to the Town Council on matters related to land use, zoning, and planning. Through Ordinance No. 2019-04, the Board also functions as the Town's Local Planning Agency (LPA) pursuant to Florida Statutes.

At the May 6, 2025, Regular Town Council Meeting, the Town Council unanimously confirmed the appointment of **Cassie Suchy** as a **regular member** of the Planning and Zoning Board/LPA. This appointment fills an existing vacancy and supports the Town's ongoing efforts to ensure balanced representation and effective land use planning.

Recommendation:

Staff recommends that the Town Council ratify the appointment of **Cassie Suchy** to serve as a regular member of the Planning and Zoning Board/LPA for the term beginning **May 6, 2025, through March 18, 2026**, or until any future updates to board and committee appointment procedures are enacted.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2025-34

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RATIFYING THE APPOINTMENT OF CASSIE SUCHY AS A REGULAR MEMBER OF THE TOWN'S PLANNING AND ZONING BOARD, ALSO SERVING AS THE LOCAL PLANNING AGENCY; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board is established under Chapter 34, Article II of the Town of Loxahatchee Groves Code to serve as an advisory body providing recommendations to the Town Council on planning and zoning related matters; and

WHEREAS, the Town Council, through the adoption of Ordinance No. 2019-04, amended Section 34-1(a) of the Loxahatchee Groves Code, designating the Planning and Zoning Board as the Local Planning Agency for the Town pursuant to Section 163.3174(1), Florida Statutes, and assigned to it the duty of reviewing and making recommendations on amendments to the Town's Unified Land Development Code; and

WHEREAS, on May 6, 2025, the Town Council of the Town of Loxahatchee Groves unanimously confirmed the appointment of **Cassie Suchy** as a regular member of the Planning and Zoning Board/Local Planning Agency; and

WHEREAS, it is the intent of the Town Council to ratify said appointment to reflect the decision made during the duly noticed and convened Town Council meeting.

NOW, THEREFORE, BE IT RESOLVED 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 Resolution.

Section 2. The Town Council hereby ratifies the appointment of **Cassie Suchy** to serve as a regular member of the Town of Loxahatchee Groves Planning and Zoning Board, also serving as the Local Planning Agency, for a term effective May 6, 2025, through March 18, 2026, or until such time as the Town Council adopts revised codes, rules, or regulations regarding board and committee appointments and reappoints members accordingly.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part, or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

Councilmember _____ offered the foregoing resolution. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

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**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE
GROVES, FLORIDA, THIS 13th DAY OF MAY, 2025.**

ATTEST:

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

Valerie Oakes, Town Clerk

Voted:
Mayor Anita Kane, Seat 3

APPROVED AS TO LEGAL FORM:

Voted:
Vice Mayor Margaret Herzog, Seat 5

Office of the Town Attorney

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Lisa El-Ramey, Seat 2

Voted:
Councilmember Paul Coleman II, Seat 4

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Loxahatchee Groves Town Council

VIA: Francine L. Ramaglia, Town Manager

FROM: Valerie Oakes, Town Clerk

DATE: Tuesday, May 13, 2025

SUBJECT: Consideration of Approval on *Resolution No. 2025-35 - Appointment – William Yahn to the Unified Land Development Code Review Committee*

Background:

On May 6, 2025, the Town Council accepted the resignation of Brian Zdunowski from the Unified Land Development Code Review Committee. Mr. Zdunowski was originally appointed by Councilmember Anita Kane. To fill the resulting vacancy, Councilmember Kane has nominated William Yahn to serve as her appointee to the Committee.

Pursuant to Resolution No. 2024-39, which re-established the Committee, each Councilmember is authorized to appoint one voting member to the Unified Land Development Code Review Committee, subject to approval by the Town Council.

Recommendation:

Staff recommends that the Town Council the appointment of **William Yahn** to the Unified Land Development Code Review Committee to fill the vacancy created by the resignation of Brian Zdunowski.

TOWN OF LOXAHATCHEE GROVES**RESOLUTION NO. 2025-35**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING A MEMBER TO THE UNIFIED LAND DEVELOPMENT CODE REVIEW COMMITTEE DUE TO A VACANCY; PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council adopted Resolution No. 2024-39 re-creating the “Unified Land Development Code Review Committee” (Committee) for the purposes stated therein; and

WHEREAS, a vacancy has occurred on the Committee following the resignation of Committee Member Brian Zdunowski, who was appointed by Councilmember Anita Kane; and

WHEREAS, Councilmember Anita Kane has nominated William Yahn to fill the vacancy.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves, Florida, as follows:

Section 1. That the foregoing "WHEREAS" clauses are confirmed and ratified as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Council hereby appoints **William Yahn** to serve as a member of the Unified Land Development Code Review Committee, representing the appointment of Councilmember Anita Kane, for the remainder of the term associated with this seat.

Section 3. **Severability.** If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated, and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 4. **Conflicts.** All Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 5. **Effective Date.** This Resolution shall take effective immediately upon its adoption.

Councilmember _____ offered the foregoing resolution. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 13th DAY OF MAY 2025.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Voted:
Councilmember Phillis Maniglia, Seat 1

Town Clerk

Voted:
Councilmember Lisa El-Ramey, Seat 2

APPROVED AS TO LEGAL FORM:

Voted:
Councilmember Anita Kane, Seat 3

Office of the Town Attorney

Voted:
Councilmember Paul Coleman, Seat 4

Voted:
Councilmember Margaret Herzog, Seat 5



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine L. Ramaglia, Town Manager

DATE: May 6, 2025

SUBJECT: Ordinance No. 2025-02 Amending Chapter 38 re Solid Waste of the Town's Code of Ordinances

Background:

This item presents Ordinance 2025-02, updating the Town's solid waste regulations in Chapter 38 of the Town Code. The goal is to modernize definitions, strengthen service and enforcement standards, and ensure the Town remains compliant with state law. Approval will support the Town's ongoing efforts to maintain solid waste oversight, including livestock waste, in compliance with Florida law.

Key updates in Ordinance 2025-02 include:

- Clear definitions for residential, commercial, bulk, vegetative, construction and demolition (C&D), special, and livestock waste.
- Requirements for livestock waste to be stored and collected in watertight, covered roll-off containers.
- Enforcement tools to address improper disposal and public nuisances.
- Updated standards for solid waste billing, lien collection, and franchise oversight.

This ordinance supports the Town's ***transition to a non-exclusive franchise system for livestock waste haulers***, which is being brought forward for discussion separately under the Livestock Waste Franchise Program item. State law now prohibits towns from using permit or registration systems for livestock waste. However, the change in state law does not prohibit the Town from entering into one or more franchise agreements for livestock waste removal and related services.

Recommendation:

Staff recommends approval of Ordinance 2025-02 on first reading and scheduling the matter for second reading at the June 3, 2025 meeting.

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ARTICLE I “IN GENERAL,” ARTICLE II “IMPROPER DISPOSAL OF WASTE MATERIALS,” AND ARTICLE III “COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED,” ALL OF CHAPTER 38 “SOLID WASTE,” OF THE LOXAHATCHEE GROVES CODE OF ORDINANCES; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves, Florida (“Town”), is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town is empowered to provide for the health, safety, and welfare of the residents and visitors of the Town of Loxahatchee Groves; and

WHEREAS, the Town Council believes it is necessary to modify its current regulations for the collection and disposal of waste; and

WHEREAS, the Town Council believes that the modifications will enhance the ability of the Town to ensure appropriate levels of service are provided and used within the Town; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

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 incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Article I, In General, of Chapter 38, Solid Waste, Loxahatchee Groves Code of Ordinances, as follows:

Sec. 38-1. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biomedical or biohazardous waste: As defined by F.S. § 403.703(2), as may be amended.

Biological waste: As defined by F.S. § 403.703(3), as may be amended.

Bulk waste: Any non-vegetative item which cannot be containerized, bagged, or bundled; including, but not limited to, inoperative and discarded refrigerators, ranges, toilets, pool heaters, water softeners, pianos, washers, dryers, bathtubs, water heaters, sinks, bicycles, and other similar domestic appliances or household goods. There shall be no weight limit for any item of bulk waste. No commercial or non-passenger tires and only two, on an annual basis, passenger car tires are permitted to be placed as bulk pickup.

Cart: A curbside container meeting the town's specifications intended for collection via automated or semi-automated means to be supplied by the franchisee to households receiving curbside residential solid waste collection service.

Collection: The process whereby commercial solid waste, residential solid waste, C & D, livestock waste, and/or recyclable material is gathered and transported to a designated facility.

Collection service(s): The collection of commercial solid waste, residential solid waste, C & D, livestock waste, and/or recyclable material by the town or a franchisee.

Commercial solid waste: Garbage and trash that is generated by uses other than residential uses or by a combination of residential and other uses on the same property within the town. Commercial solid waste does not include bulk waste, vegetative waste, special waste, C & D, livestock waste, or recyclable materials.

Commercial solid waste collection service: The collection of commercial solid waste within the town.

Compactor: Any container which has compaction mechanism(s), whether stationary or mobile, all inclusive.

Construction and demolition debris (C&D): As defined by F.S. § 403.703(6), as may be amended.

Container Includes any container designed or intended to be mechanically dumped into a loader packer type truck or recycling vehicle. All containers must be of the specifications as designated by the town manager, in writing.

Dwelling unit: Any type of structure or building unit intended for or capable of being utilized for residential living other than a licensed hotel or motel unit.

Franchisee: A person or entity that has entered into an agreement with the town to provide commercial solid waste, residential solid waste, C&D, livestock waste, and/or recycling collection services for the town.

Garbage: All putrescible waste which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with or results from the storage, preparation, cooking or handling of food materials whether attributed to residential or commercial activities but shall not include vegetative waste or special waste.

Hazardous waste: As defined by F.S. § 403.703(14), as may be amended.

Land clearing: The removal of vegetation for the purpose of improving real property through remodeling, new construction or agricultural use. Land clearing shall include, but is not limited to, trees, brush, dirt, rocks or similar obstructions/materials being removed from a parcel of assessed residential land using mechanical devices such as a bobcat, backhoe, front-end loader, tractor, bulldozer, etc. Removal refers to the physical action of the equipment digging, scraping,

bulldozing, and/or pulling debris from the ground. Transporting legally cut vegetation to the curb using a mechanical device does not constitute land clearing. A chainsaw is not to be considered a mechanical device in the removal process.

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.

Pyrolysis: A process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to any of the following:

- (1) Crude oil, diesel, gasoline, home heating oil, or another fuel.
- (2) Feedstocks.
- (3) Diesel and gasoline blend stocks.
- (4) Chemicals, waxes, or lubricants.
- (5) Other raw materials or intermediate or final products.

Pyrolysis facility: A facility that receives, separates, stores, and converts post-use polymers, using gasification or pyrolysis.

Recovered materials: Metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the waste stream for sale, use, or reuse as raw materials, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste.

Recyclable materials (recyclables): Those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

Recycling cart: A container intended for recyclables collection with a 95 gallons capacity on wheels for rolling, with a non-removable hinged lid, suited to automatic dumping equipment provided by the franchisee's collection vehicles and containing not over 250 pounds.

Recycling container: shall mean a rigid container made of plastic or other suitable substance or a paper bag that is used for the storage of recovered materials.

Recycling collection service: The collection of recyclable materials by the town or its franchisee from residential or commercial sites, and the delivery of those recyclable materials to an authority recovered materials processing facility or designated authority transfer station.

Residential solid waste: Garbage and trash that is generated from residential uses within the town. Residential solid waste does not include bulk waste, vegetative waste, special waste, C & D, livestock waste, or recyclable materials.

Residential solid waste collection service: Collection of residential solid waste within the town.

Sludge: The accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment, water supply treatment, or operation of an air pollution control facility, and mixed liquids and solids pumped from septic tanks, grease traps, privies, or similar waste disposal appurtenances.

Solid waste: means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in F.S. § 403.703(28) and post-use polymers as defined in F.S. § 403.703(24) are not solid waste.

Solid waste authority disposal facility: A place or places specifically managed or operated by the Solid Waste Authority of Palm Beach County or another facility if specifically designated in writing by the authority.

Source separated: Recovered materials that are separated from solid waste at the location where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes de minimis solid waste, in accordance with industry standards and practices, may be included in the recovered materials. Materials are not considered source separated when two or more types of recovered materials are deposited in combination with each other in a container located where the materials are generated and when such materials contain more than ten percent solid waste by volume or weight, in which case the materials are solid waste. The term "various types of recovered materials" means metals, paper, glass, plastic, textiles and rubber.

Special services: Any services requested or required by the customer which are in addition to or a change in, the subscribed collection service.

Special waste: Solid wastes that can require special handling and management, including, but not limited to, white goods, waste tires, used oil, lead-acid batteries, construction and demolition debris, ash residue, yard trash, and biological wastes.

Trash shall mean all refuse accumulation of paper, rags, wooden or paper boxes and containers, sweepings, broken toys, tools, utensils, and all other accumulations of a similar nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, but shall not include vegetative waste.

Vegetative waste shall mean any vegetative matter resulting from yard and landscaping maintenance by any party and shall include materials such as tree and shrub trimming materials, grass clippings, palm fronds, tree branches and similar other matter usually produced as refuse in the care of lawns, landscaping and yards.

Waste: shall mean any or all of the types of waste more specifically defined in this section.

Sec. 38-12. ~~Solid waste~~ Collection fees; billing; payment; ~~enforcement~~ effect of failure to pay.

- (a) The town shall have the power to create, install, improve, maintain and fund any and all costs associated with establishing and operating a system of providing a ~~solid waste~~ collection services program (solid waste collection program) ~~for residential and/or commercial service~~ to the property owners, residents and citizens of the town. The recipients of the town's solid waste collection program will enjoy protection and enhancement of public health and safety by the provision of reliable and effective service to persons who own or use such property, and enrichment of property value and minimization of potential liability attendant with the use of the assessed property.

- (b) Fees for ~~trash service, the waste collection program,~~ including costs for collection, and administration fees necessary to provide the ~~solid waste collection services program,~~ as shall be established by resolution of the town council, shall be collected by the town for the trash collection service within the town. The town may also provide, by agreement, for the billing and collection of the town's fee for ~~trash the waste collection service program, or any portion thereof,~~ by another governmental entity. The town may provide for the inclusion of such administrative fees to fund the billing and collection of the charges for ~~the solid waste collection service program~~ in any bill sent to property owners within the town. ~~Any residential owner or lessee, apartment owner or owner-operator of a commercial establishment who shall fail to make appropriate payment for trash collection service shall have his trash collection service terminated. Any residential owner or lessee, apartment owner or owner-operator of a commercial establishment whose trash collection service shall be so terminated shall be deemed in violation of this chapter and upon conviction of such violation shall be punished as provided by in this Code.~~
- (c) The town shall have the ability to charge property owners who receive a certificate of occupancy for a residential structure or dwelling unit after the residential solid waste collection services non ad-valorem assessment roll has been provided to the tax collector, on a pro-rata basis, as part of the fee for the granting of the certificate of occupancy or final permit.
- (e-d) Any property owner or lessee, who shall fail to make appropriate payment for the waste collection program shall be deemed to be in violation of this chapter and have his collection program service terminated. If a property owner fails to pay for ~~garbage~~ collection services, or to adequately provide for ~~garbage~~ collection services in accordance with this chapter, the town shall have the right to institute code enforcement or other legal proceedings, and/or may enter upon the premises, remove garbage, trash or construction or other waste and charge the owner the cost to the town for such services in accordance with Chapter 30 of this Code and/or any other legal process available to the town. ~~Billing for collection shall be on a per pickup basis. The town shall forward to the owner at his last known address a copy of the charges for such collection, including any delinquency charges, and, if same is not paid within 30 days after such notice is mailed, the same shall be and constitutes a lien upon the property in question.~~
- (d) ~~The town attorney may institute foreclosure proceedings to foreclose any lien imposed pursuant to subsection (b) of this section. The owner of the property against which the lien exists shall be liable to the town for a reasonable attorney's fee to compensate its attorney for services in collecting the amounts due on said lien, together with all costs occasioned in foreclosing said lien, and the same shall be decreed to be a lien upon the lands described and shall be collected at the time and in the manner provided for the collection of the amount evidenced by said lien. The decree rendered in such case for the enforcement and collection and the amount due thereunder shall determine the principal, interest, costs, and attorneys' fee to be chargeable against each property so encumbered, which amounts shall constitute a lien against the property described. In foreclosing such liens, the town may pursue and follow any recognized process to enforce liens and any number of assessment liens against the same owner or occupant may be foreclosed in one proceeding.~~
- (e) ~~The lien in favor of the town upon the property for all unpaid services, interest, attorneys' fees, and court costs shall have priority over all other liens and encumbrances, except state, county, and municipal taxes, and shall be on parity with the lien of such state, county, and municipal taxes.~~

Secs. 38-23—38-20. Reserved.

Section 3. The Town of Loxahatchee Groves hereby amends Article II, Improper Disposal of Waste Materials, of Chapter 38, Solid Waste, Loxahatchee Groves Code of Ordinances, as follows:

ARTICLE II. IMPROPER DISPOSAL OF WASTE MATERIALS. ENFORCEMENT.

Sec. 38-21. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Improper Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste material into or upon any land or water so that such waste materials or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwaters, or otherwise enter the environment.

Public nuisance means 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.

Waste materials means ash residue, biomedical waste, biological waste, Class I waste, Class III waste, commercial solid waste, construction and demolition debris, contaminated soil, garbage, hazardous waste, household waste, industrial byproducts, industrial solid waste, leachate, liquid waste, oily waste, recovered materials, recyclable materials, sludge, solid waste, special wastes, and white goods, all as defined in F.S. § 403.703 and F.A.C. 62-701.200, incorporated herein and attached hereto as Composite Exhibit "A". The definitions in this article shall be deemed amended upon the amendment of F.S. § 403.703, and F.A.C. 62-701.200.

Sec. 38-22. Prohibition of depositing or disposing of waste materials.

The improper disposal of waste material, including, without limitation, receiving, spreading or storing such waste material on property, or of any other item for which the property owner receives a tipping fee or similar compensation to receive such item for disposal or depositing, within the corporate limits of the town, is prohibited.

Sec. 38-23. Nuisance.

A violation of this article is deemed by the town council to be a public nuisance.

Sec. 38-24. Violation of state laws.

The town council specifically finds that a violation of this article presents a public nuisance for purposes of enforcement of F.S. § 403.413, and law enforcement officers charged with the enforcement of state and local laws within the town shall strictly enforce F.S. § 403.413.

Sec. 38-25. Enforcement.

This chapter article shall be enforced as follows:

- (1) ~~Law enforcement officers are authorized to enforce this article.~~
- (2) ~~In addition to penalties resulting from a violation of F.S. § 403.413, the fines for violations of this article by drivers of vehicles of waste materials disposed in violation of this article shall be:~~

First Offense	Second Offense	Third Offense	All Additional Offenses
\$100.00 <u>\$250.00</u>	\$250.00	\$400.00	\$500.00

- (3) ~~The town may also file charges for any offense in a court with jurisdiction, in which case the penalty shall be a fine of \$500.00, imprisonment not to exceed 60 days, or both, for each violation of this article. The town shall recover its costs of prosecution, including attorneys' fees, filing fees, and personnel costs for law enforcement and town employees.~~
- (4) ~~To the extent authorized by law, the town administration is authorized to use the town's code enforcement process to enforce violations of this article where a law enforcement officer has not otherwise issued violations of F.S. § 403.413, or of this article. In such instances, the fine shall be the maximum permitted by law. The town shall recover its costs of prosecution, including attorneys' fees, filing fees, and personnel costs for law enforcement and town employees.~~
- (1) Any violation of this chapter shall be subject to enforcement pursuant to Chapters 14 and 30 of this Code, as well as any other legal action available to the town including but not limited to injunctive relief.
- (52) Each day a violation remains constitutes a separate violation of this article.
- (63) The town manager ~~shall~~ may report any violation of this article to state, county, and other regulatory agencies which he deems appropriate and request review by such agencies for any additional violations of local, state or federal laws and regulations.

Secs. 38-26—38-53. Reserved.

Section 4. The Town of Loxahatchee Groves hereby amends Article III, Collection of Waste; Franchises and Registration of Contractors Authorized, of Chapter 38, Solid Waste, Loxahatchee Groves Code of Ordinances, as follows:

ARTICLE III. COLLECTION OF WASTE; FRANCHISES AND ~~REGISTRATION OF CONTRACTORS~~ RECOVERED MATERIAL DEALERS AUTHORIZED

Sec. 38-54. ~~Definitions.~~ Reserved.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biomedical or biohazardous waste: As defined by F.S. § 403.703(2), as may be amended.

Biological waste: As defined by F.S. § 403.703(3), as may be amended.

Bulk waste: Any non-vegetative item which cannot be containerized, bagged, or bundled; including, but not limited to, inoperative and discarded refrigerators, ranges, toilets, pool heaters, water softeners, pianos, washers, dryers, bath tubs, water heaters, sinks, bicycles, and other similar domestic appliances or household goods. There shall be no weight limit for any item of bulk waste. No commercial or non-passenger tires and only two, on an annual basis, passenger car tires are permitted to be placed as bulk pickup. The term "bulk waste" may be used interchangeably with the term "bulk trash."

Business days: Monday through Saturday, except for holidays.

Cart: A curbside container meeting the town's specifications intended for collection via automated or semi-automated means to be supplied by the contractor to households receiving curbside residential solid waste collection service.

Collection: The process whereby solid waste, garbage, trash, bulk trash, vegetative waste or recovered material is gathered and transported to a designated facility.

Commercial recycling collection service: The dual stream recycling collection of recovered materials by the contractor for entities within the service area that are not serviced by residential recycling collection service.

Commercial solid waste: Shall include solid waste that is not residential solid waste.

Commercial solid waste collection service: The collection of commercial solid waste within the service area. Such service includes both containers and compactors, but does not include roll-off collection services.

Compactor: Any container which has compaction mechanism(s), whether stationary or mobile, all inclusive.

Construction and demolition debris (C&D): Materials generally considered to be not water soluble and which are nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, roofing material, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project. Mixing of a de minimis amount of waste other than C&D from the construction site will not automatically cause it to be classified as other than C&D.

Container: Includes any container designed or intended to be mechanically dumped into a loader packer type truck or recycling vehicle. All containers must be of the specifications as designated by the town manager, in writing.

Contractor: A person or entity that has entered into an agreement with the town to provide solid waste and recycling collection services for the town.

Dwelling unit: Any type of structure or building unit intended for or capable of being utilized for residential living other than a licensed hotel or motel unit.

Garbage: All putrescible waste which generally includes but is not limited to kitchen and table food waste, animal, vegetative, food or any organic waste that is attendant with or results from the storage, preparation, cooking or handling of food materials whether attributed to residential or commercial activities, but shall not include vegetative waste or special waste.

~~*Hazardous waste:* A hazardous waste as identified by the State of Florida Department of Environmental Regulation in Florida Administrative Code 17-730, as may be amended, or the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq., and implementing regulations, as may be amended.~~

~~*Household hazardous waste (HHW):* Solid waste as defined by the State of Florida Department of Environmental Regulation as a hazardous waste in the State of Florida Administrative Code, or by any future legislative action or by federal, state or local law.~~

~~*Land clearing:* The removal of vegetation for the purpose of improving real property through remodeling, new construction or agricultural use. Land clearing shall include, but is not limited to, trees, brush, dirt, rocks or similar obstructions/materials being removed from a parcel of assessed residential land using mechanical devices such as a bobcat, backhoe, front end loader, tractor, bulldozer, etc. Removal refers to the physical action of the equipment digging, scraping, bulldozing, and/or pulling debris from the ground. Transporting legally cut vegetation to the curb using a mechanical device does not constitute land clearing. A chainsaw is not to be considered a mechanical device in the removal process.~~

~~*Pyrolysis:* A process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to any of the following:~~

- ~~(1) Crude oil, diesel, gasoline, home heating oil, or another fuel.~~
- ~~(2) Feedstocks.~~
- ~~(3) Diesel and gasoline blend stocks.~~
- ~~(4) Chemicals, waxes, or lubricants.~~
- ~~(5) Other raw materials or intermediate or final products.~~

~~*Pyrolysis facility:* A facility that receives, separates, stores, and converts post-use polymers, using gasification or pyrolysis.~~

~~*Recovered materials:* Metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the waste stream for sale, use, or reuse as raw materials, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described above are not solid waste. Recovered materials do not include any material or substance that does not fit within one of the six categories described in this definition (metal, paper, glass, plastic, textile or rubber). Among other things, unsorted construction and demolition debris is not a recovered material.~~

~~*Recyclable materials (recyclables):* Those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.~~

~~*Recycling cart:* A container intended for recyclables collection with a 95 gallons capacity on wheels for rolling, with a non-removable hinged lid, suited to automatic dumping equipment provided by the contractor's collection vehicles and containing not over 250 pounds.~~

~~*Recycling container:* shall mean a rigid container made of plastic or other suitable substance or a paper bag that is used for the storage of recovered materials.~~

~~*Residential recycling collection service:* The collection of recovered materials by the town or its contractor from all dwelling units in the service area that also receive residential solid waste collection service for solid waste, and other dwelling units as designated by the town, and the delivery of those recovered materials to an authority recovered materials processing facility or designated authority transfer station.~~

~~*Residential solid waste collection service:* Residential solid waste and vegetative waste collection service for all dwelling units from which garbage is collected at curbside or roadway and delivery to an authority designated disposal facility or transfer station.~~

~~*Residential user:* A person, including, but not limited to, owners, lessees, and sublessees utilizing a building, a portion thereof, specifically designed for and used for occupancy of that person. For the purposes of this agreement, residential user shall include users of single family, dwellings.~~

~~*Residue:* The portion of the recyclable materials stream accepted by the contractor that is not converted to recovered materials due to breakage and/or transportation or processing inefficiencies.~~

~~*Roll off collection service:* The collection of C&D only roll off containers, or the collection of C&D by other mechanical means, within temporary locations in the service area, limited to new construction sites and remodeling or refurbishment sites.~~

~~*Service area:* The corporate limits of the Town of Loxahatchee Groves, Florida for which the contractor has been granted this agreement.~~

~~*Sludge:* A solid or semi-solid, or liquid generated from any waste water treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilets and related operations, or any other such waste having similar characteristics or effects.~~

~~*Solid waste:* As defined by F.S. § 403.703(32), as may be amended, including garbage, rubbish, trash, and other discarded waste. Residential solid waste and commercial solid waste, but shall not include special waste, as defined in this agreement, or recovered materials. Solid waste shall mean bulk waste, garbage, rubbish, refuse, trash, vegetative waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations, but for the purpose of this agreement shall not include special waste.~~

~~*Solid waste authority disposal facility:* A place or places specifically managed or operated by the Solid Waste Authority of Palm Beach County or another facility if specifically designated in writing by the authority.~~

~~*Source separated:* Recovered materials that are separated from solid waste at the location where the recovered materials and solid waste are generated. The term does not require that various types of recovered materials be separated from each other and recognizes de minimis solid waste may be included in the recovered materials. Materials are not considered source separated when two or more types of recovered materials are deposited in combination with each other in a container located where the materials are generated and when such materials contain more than ten percent solid waste by volume or weight, in which case the materials are solid waste. The term "various types of recovered materials" means metals, paper, glass, plastic, textiles and rubber.~~

~~*Special services:* Any services requested or required by the customer which are in addition to or a change in, residential solid waste collection service or residential recycling collection service, as set out or similar to those listed in Exhibit I as may be amended from time to time.~~

~~*Special waste:* For the purposes of this agreement, special waste refers to wastes that can require special handling and management, including but not limited to, biohazardous waste, biological waste, hazardous waste, lead acid batteries, automobiles, boats, internal combustion engines, non-automobile tires, sludge, dead animals, livestock waste, septic tank waste. Special waste may also include items determined by the town manager to be reasonably unmanageable.~~

~~*Trash* shall mean all refuse accumulation of paper, rags, wooden or paper boxes and containers, sweepings, broken toys, tools, utensils, and all other accumulations of a similar nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, but shall not include vegetative waste.~~

~~*Vegetative waste* shall mean any vegetative matter resulting from yard and landscaping maintenance by any party and shall include materials such as tree and shrub trimming materials, grass clippings, palm fronds, tree branches and similar other matter usually produced as refuse in the care of lawns, landscaping and yards. All items other than palm fronds, tree branches and Christmas trees such as grass clippings, leaves, pine needles, and similar small loose items must be bagged or containerized with each filled container weighing less than 50 pounds. Vegetative waste, except palm fronds, must be no more than six feet in length and no single item shall weigh more than 50 pounds, and shall be placed neatly at the edge of the road. Natural Christmas trees will be collected as vegetative waste and any section must not be more than eight feet in length or 50 pounds in weight.~~

Sec. 38-55. Franchise for collection of solid waste and residential recycling collection services.

- (a) The town may enter into ~~an exclusive~~ one or more franchises for the collection services, which may include any or all of commercial solid waste collection service, residential solid waste collection service, C&D debris collection service, livestock waste removal and/or hauling service, recycling collection service, vegetative waste collection service, and/or bulk waste collection service. ~~of solid waste and residential recyclable materials from all locations in the town to the extent not prohibited by state law or may enter into any number of franchises that the town determines is in the best interest of the town. The town may combine or separate collection services as needed for purposes of solicitation and entering into franchise agreements. The town may enter into any number of franchises that the town determines is in its best interest.~~
- (b) In the event that the town grants an exclusive franchise, or any number of franchises, all collection within the town shall be performed by the applicable franchisee(s). ~~contract, or a solid waste or recyclable materials collection entity is not granted a franchise by the town and has existing contracts within the town, then only existing contracts as of June 5, 2018, for solid waste collection services and residential and recyclable materials collection services are exempt until such time as the contract expires at which time the customer/property owner must use a solid waste collection entity that is franchised by the town.~~
- (c) The town council may require franchisees ~~businesses performing solid waste collection, disposal, and recycling services within the town~~ to pay a franchise fee to the town, in an amount determined by the town council, for the privilege of conducting and operating solid

~~waste collection, disposal, and recycling services on the public streets, roads, alleys, and other thoroughfares of the town. The franchise fee, as indicated below, shall be based on a percentage of the amount charged for solid waste collection, that is described in a franchise agreement between the town and a contractor franchisee. Any franchise fee required by the town council shall be paid to the town in a manner and an amount as set forth in a franchise agreement with the contractor franchisee.~~

Sec. 38-56. Collection to be by town or franchisee; subscriptions required.

- (a) ~~Each residential~~ The owner, or lessee, or other legal occupant of each property within the town each apartment owner and each owner-operator of a non-residential use shall subscribe to a regularly scheduled solid waste collection services or recyclable materials collection service as may be provided either by the town or by such private individual or concern as may be franchised by the town the town's franchisee, except as may be exempted by town ordinance or state law. Separate service is required for each residential dwelling unit or for each property, as applicable. The levels of necessary service shall be determined based upon the use of the property. Any collection services in addition to regularly scheduled collection services shall be scheduled through the town or the town's franchisee. Verification of adequate solid waste and recyclable collection services must be provided to the town upon the town's request. Determination of the type and adequacy of service based on the use of the property is in the sole discretion of the town.
- (b) No individual, corporation or other entity will be permitted to ~~collect solid waste or recyclable materials~~ provide collection services within the town either on a regularly scheduled basis or, alternatively, on a non-scheduled short-term, or temporary, basis unless such individual, corporation or other entity is properly franchised by the town, except as may be required or exempt by state law or town ordinance.

Sec. 38-57. Solid waste collection special assessments shall constitute a lien on improved real property.

All residential solid waste collection special assessments imposed against the owners of assessed dwelling units pursuant to this chapter shall constitute, and are hereby imposed as, liens against such real property as of January 1 of each year or as soon thereafter as the certified roll is received by the tax collector. Until fully paid and discharged or barred by law, the solid waste collection special assessments shall remain liens equal in rank and dignity with the lien of county ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. If any solid waste collection special assessment liens become delinquent by not being fully paid by April 1 following the year in which they are assessed, or immediately after 60 days have expired from the mailing of the original notice set forth by the uniform method, whichever is later, and remain delinquent, such liens shall be enforced by the tax collector in the same manner as any other special assessment lien of the town.

Sec. 38-58. Containers required.

~~Each dwelling unit shall be required to have a town approved garbage container. It shall be unlawful within the town for any person to place any solid waste or vegetative waste out for collection unless such solid waste or vegetative waste is in a container, if such container is required~~

and approved by the town council. ~~A garbage can may not be used if a container has been required and approved by town council.~~

- (a) Unless otherwise exempted by this article, Each each dwelling unit property within the town shall be required to have use a town approved garbage container for the collection service. It shall be unlawful within the town for any person to place any solid waste, C & D, livestock waste or vegetative waste recyclable material out for collection unless such solid waste, C & D, livestock waste or vegetative waste recyclable material is in a the required container, if such container is required and approved by the town council.
- (b) Residential sold waste must be placed in a garbage can, cart or other container, unless restricted by the town. If a cart has been approved by the town, no other container may be used. No property shall be issued more than two carts. If a property requires more than two carts due to the number of dwelling units or occupied recreational vehicles on the property, the property owner or legal occupant must subscribe to commercial collection service instead of residential collection service. A garbage can may not be used if a cart has been required and approved by town council.
- (c) Commercial solid waste must be placed in a dumpster, compactor, or other container authorized by the franchise agreement for collection. Commercial solid waste will not be collected in a roll-off container.
- (d) C & D debris must be placed in a roll-off container for collection, except as provided in section 38-61.
- (e) Livestock waste must be placed in a roll-off container for collection. Roll-off containers used for livestock waste must contain an attached lid or cover and be watertight at all times.
- (f) Recyclable materials must be placed in a recycling cart or recycling container for collection.
- (g) Bulk waste and vegetative waste are not required to be placed in a container for collection.

Sec. 38-59 Precollection procedures generally; Private Roads.

- (a) The placement of garbage any waste or recyclable materials, other than bulk waste or vegetative waste, in a loose and uncontained manner on the roadside, swale, other locations adjacent to the roadway, or in dumpster enclosures shall be strictly prohibited.
- (b) No person shall place for curbside collection any garbage, bulk waste, vegetative waste, or recyclable materials upon any property other than the property on which it was generated in the swale or area adjacent to and directly in front of the same property from which the garbage, bulk waste, vegetative waste, or recyclable materials, was generated or accumulated, unless a separate predetermined location has been approved by the town and the town's contractor franchisee.
- (c) All garbage containers waste and recyclable materials, when placed for curbside collection, shall be at ground level, not within the roadway, within the swale or any part of the front yard or side yard abutting the road right-of-way, clear of the roadway, and immediately accessible to collection crews.

- (d) No person shall place any ~~garbage containers, or any accumulation of garbage, bulk or vegetative waste~~ or recyclable materials for collection in any portion of a roadway, right-of-way or upon private property in any part of a front yard or a side yard abutting a right-of-way except during the time periods and in the locations as allowed by this article. ~~No person in possession of real property shall allow any garbage containers or roll out cart, or any accumulation of garbage, bulk waste or vegetative waste to remain in any portion of a roadway or right-of-way abutting his/her property to the centerline of the roadway or right-of-way, or in any part of the front yard or side yard abutting the roadway or right-of-way, except during the day scheduled for collection or as otherwise set forth in this article.~~
- (e) Private roads shall be fully accessible to the town's ~~contractor~~ franchisee and equipment in order for collections to be made by the town's ~~contractor~~ franchisee without delay.
- (f) ~~Unacceptable materials shall be stored and properly disposed of by the person responsible for their generation or accumulation.~~
- (g) ~~Hazardous wastes shall be stored and properly disposed of by the person responsible for their generation or accumulation.~~

Sec. 38-60. Hours when ~~garbage, etc.,~~ waste may be placed out for collection.

It shall be unlawful within the town for any person to place any ~~solid~~ waste or recyclable materials adjacent to the public road used for access to the property any earlier than 6:00 p.m. on the day before the scheduled ~~solid-waste~~ collection day applicable to such person's property. It shall be unlawful within the town for any person to fail to remove from the public roadway used for access to the property or adjacent to such public roadway any container within 24 hours of the day following the scheduled ~~solid-waste or recyclable materials~~ collection day applicable to such person's property. All ~~solid~~ waste and recyclable materials must be placed out for pick up no later than 7:00 a.m. on the day of the collection service.

Sec. 38-61. Construction and demolition debris (C & D).

~~Collection of construction and demolition debris may be made part of the town's exclusive franchise agreements for solid waste collection.~~

~~Construction and demolition debris originating prior to, during, or subsequent to the construction of new buildings, alterations or additions to existing buildings of whatsoever type or from demolition of existing structures will not be collected under the town's residential service. Removal of these construction and demolition debris is the responsibility of the building contractor or installer.~~

~~Construction and demolition debris resulting from minor homeowner repairs (residential do-it-yourself projects) which meet the requirements for trash collection must be bundled, bagged or boxed and will be collected at curbside. Discarded lumber pieces must be no longer than four feet without nails. Larger materials may be picked up by special request at an additional charge from the contractor.~~

(a) Except as provided in subsection 38-61(b), C & D shall be removed by the contractor or installer performing the construction or demolition activities or by the town's C & D franchisee in accordance with the C & D franchise agreement.

(b) Construction and demolition debris resulting from minor homeowner repairs (residential do-it-yourself projects) must be bundled, bagged or boxed and will be collected at curbside as part of residential solid waste service. To qualify for such curbside pickup, lumber pieces must be no longer than four feet and without nails.

Sec. 38-62. Registration of recovered material dealers.

- (a) A recovered materials dealer or pyrolysis facility must register with the town before engaging in business within the jurisdiction of the ~~local government~~ town. Such registration process is limited to requiring the dealer or pyrolysis facility to:
 - (1) Register its name, including the owner or operator of the dealer or pyrolysis facility, and, if the dealer or pyrolysis facility is a business entity, its general or limited partners, its corporate officers and directors;
 - (2) Its permanent place of business;
 - (3) Evidence of its certification under F.S. § 403.7046, and;
 - (4) A certification that the recovered materials or post-use polymers will be processed at a recovered materials processing facility or pyrolysis facility satisfying the requirements of F.S. § 403.7046.
- (b) The town shall charge the dealer or pyrolysis facility a registration fee commensurate with and no greater than the cost incurred by the local government in operating its registration program, as established by resolution by the town council. Registration program costs are limited to those costs associated with the activities described in this article.
- (c) The town's reporting or registration process with regard to recovered materials or post-use polymers is governed by F.S. § 403.7046 and rules of the Florida department of environmental protection or any successor agency performing a like function, adopted pursuant to F.S. § 403.7046.
- (d) The town may temporarily or permanently revoke the authority of a recovered materials dealer to do business within the town. If the town believes that the recovered materials dealer finds the recovered materials dealer has consistently and repeatedly violated state or local laws, rules, regulations, and the town's ordinances, it shall notice the recovered materials dealer of the charges and schedule a hearing before the town's special magistrate using the notice and hearing process of F.S. ch. 162.

Sec. 38-63. Recycling program.

- (a) ~~Residential collection~~ Collection.
 - (1) *Paper goods.* Paper goods placed out for collection as recyclable materials shall be segregated from all other solid waste material by all residential units not using containerized refuse service. It shall be in a container provided by the town's contractors and placed out for collection in recycling car or container according to a scheduled day established by the town along with all other solid waste or next to the container or garbage can used by such solid waste customers. Recyclable materials shall not be placed in plastic bags, and adequate precaution shall be made to prevent newspapers from being scattered by the elements.

- (2) *Clear glass and aluminum cans.* All clear glass and aluminum cans placed out for collection as recyclable materials shall be segregated from all other waste placed in the container provided for by the contractor of the town and placed out for collection in a recycling cart or container according to a scheduled day established by the town along with all other solid waste or next to the container or garbage can used by solid waste customers. No other waste besides clear glass and aluminum cans shall be placed in the container that is provided for by the town.
- (3) Recyclable materials will be collected by the town's franchisee in accordance with the franchise agreement for recycling collection services.
- (b) *Unauthorized collection.* It shall be a violation of this section for any person not authorized by the town to collect or remove any recyclable materials as provided for above which has been specifically placed for collection in any recycling container in any residential area of the town.

Sec. 38-64. Vegetative waste; community piles.

- (a) *Standard Residential Collection.* Vegetative waste shall be collected from residential areas subscribers as set forth in the franchise agreement between the town and its contractor franchisee for residential solid waste collection service and as approved by the contract administrator. Vegetative waste shall be placed in the swale or adjacent to the pavement or travel way of the road. No more than six cubic yards of vegetative waste shall be placed out for pickup at a time. All items other than palm fronds, tree branches and Christmas trees such as grass clippings, leaves, pine needles, and similar small loose items must be bagged or containerized with each filled container weighing less than 50 pounds. Vegetative waste, except palm fronds, must be no more than six feet in length and no single item shall weigh more than 50 pounds, and shall be placed neatly at the edge of the road. Natural Christmas trees will be collected as vegetative waste and any section must not be more than eight feet in length or 50 pounds in weight.
- ~~In the event of a dispute between the contractor and a customer as to what constitutes vegetative waste, the situation will be reviewed and decided by the town manager, whose decision shall be final.~~
- (b) *Community Piles.* The town may provide for the establishment of one or more community piles that may be used by more than one property owner for residential vegetative waste as approved by the town. Vegetative waste shall be collected from community piles as a separate service and in accordance with the franchise agreement between the town and its franchisee for collection from community pile sites.
- (b c) *Commercial Collection.* Vegetative waste shall be collected from commercial subscribers as set forth in the franchise agreement between the town and its franchisee for commercial solid waste collection service.
- ~~(b) Vegetative waste may not be placed adjacent to the pavement or travel way of the road at time periods or at locations outside of those allowed by this article. In the event this occurs, the town's contractor may collect the vegetative waste and charge a fee as set forth in the franchise agreement with the contractor if requested by the customer.~~

Sec. 38-65. Bulk ~~trash~~ waste.

- (a) It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator or container with any doors, lids or closures of any type in place. This prohibition shall not apply to any appliance, refrigerator or container at a commercial establishment which has been placed on or adjacent to the rear of the building and is crated, strapped or locked to an extent that it is impossible for a child to obtain access to any compartment thereof.
- (b) ~~If bulk trash is placed adjacent to the pavement or travel way of the street/alley at time periods or at locations outside of those allowed by this article, the town's contractor may collect the bulk trash and charge a fee as set forth in the franchise agreement with the contractor if requested by the customer.~~ Bulk waste shall be collected in accordance with the franchise agreement between the town and its franchisee for residential or commercial solid waste collection service, as applicable.

Sec. 38-66. ~~Interim rates for new structures.~~ Reserved.

~~The town shall have the ability to charge property owners, who receive a certificate of occupancy after the solid waste collection services non ad valorem assessment roll has been provided to the tax collector, on a pro-rata basis, as part of the fee for the granting of the certificate of occupancy or final permit.~~

Sec. 38-67. ~~Community piles.~~ Reserved.

~~The town may provide for the establishment of vegetative piles that may be used by more than one property owner for residential vegetative waste as approved by the town and its contractor.~~

Sec. 38-68. Livestock waste.

- (a) Livestock waste will be collected as a separate service by the town's livestock waste franchisee in accordance with the livestock waste franchise agreement.
- (b) No other waste shall be placed or stored in the livestock waste collection container. Any waste, other than livestock waste, placed or stored in the livestock waste collection container must be removed by the property owner, lessee, or other legal occupant of the property prior to collection of the livestock waste by the franchisee. The franchisee will not collect a livestock waste collection container that contains other waste.

Sec. 38-69. Special waste.

Special waste that is not collected by the town or its franchisee(s) shall be properly stored and disposed of by the person responsible for its generation or accumulation or by subscription to special services.

Section 5. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 6. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 7. 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, that the Sections of this ordinance may be renumbered, 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 8. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

[Remainder of the page intentionally blank.]

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __ DAY OF _____, 2025.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	☐	☐	☐
MARGARET HERZOG, VICE MAYOR	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
LISA EL-RAMEY, COUNCIL MEMBER	☐	☐	☐
PAUL COLEMAN II, COUNCIL MEMBER	☐	☐	☐

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2025.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	☐	☐	☐
MARGARET HERZOG, VICE MAYOR	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
LISA EL-RAMEY, COUNCIL MEMBER	☐	☐	☐
PAUL COLEMAN II, COUNCIL MEMBER	☐	☐	☐

ATTEST:

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

Valerie Oakes, Town Clerk

Mayor Anita Kane, Seat 3

APPROVED AS TO LEGAL FORM:

Vice Mayor Margaret Herzog, Seat 5

Office of the Town Attorney

Councilmember Phillis Maniglia, Seat 1

Councilmember Lisa El-Ramey, Seat 2

Councilmember Paul Coleman II, Seat 4



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council

FROM: Valerie Oakes, Town Clerk

VIA: Francine Ramaglia, Town Manager

DATE: May 13, 2025

SUBJECT: Appointing Mayor Anita Kane to the Resilient Florida Steering Committee

Background:

The Resilient Florida Steering Committee members are as follows:

- Richard Gallant, Public Works Director, Town of Loxahatchee Groves
- Robert Shorr, Former Councilmember of the Town of Loxahatchee Groves, FL
- Randy Wertepny, P.E. and Vice President of Engineering, Keshavarz & Associates, Inc.
- Keith Jackson, P.E. and Owner, Engenuity Group, Inc.
- Burgess Hanson, Executive Director, Indian Trail Improvement District
- Jesse Markle, Bureau Chief, South Florida Water Management District
- Paul Linton, County Water Resource Manager, Palm Beach County

Mayor Kane has been invited to serve on the Water Resources Task Force that represents special districts and our Town. Mayor Kane has expressed her desire to join the Resilient Florida Steering Committee as an official representative of the Town.

Recommendation:

Discuss and provide direction on appointing Mayor Anita Kane to the Resilient Florida Steering Committee as an additional member, or for Mayor Kane to replace current Committee Member Robert Shorr (former Town of Loxahatchee Groves Councilmember).



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine L. Ramaglia, Town Manager

DATE: May 6, 2025

SUBJECT: Discussion on Livestock Waste Non-Exclusive Franchise Program to Replace Registration Program as Required by FS 163.3205

Background:

This agenda item is being brought forward to comply with state law and clarify the Town's regulatory path forward due to recent changes in state law that require a transition from permit-based systems to franchise agreements.

It is important to note that *this is not a pilot program for a livestock waste transfer station*, nor does it modify any existing Town ordinances or codes. The proposed non-exclusive franchise agreement—authorized under the Town's existing solid waste regulations for special waste—is designed solely to replace the Town's prior permit and registration system. This change is necessitated by the state's preemption of municipal authority to issue permits or charge fees for livestock waste haulers under Section 163.3205, Florida Statutes. The franchise approach allows the Town to retain control and oversight while remaining in compliance with the law.

The timeline below summarizes the key regulatory actions taken by the Town concerning the oversight of livestock waste haulers and receiver sites:

- 2006:** The Town of Loxahatchee Groves was incorporated and its Charter adopted, granting general police powers and the authority to regulate solid waste, health, safety, and land use.
- 2010:** The Town began issuing administrative permits to livestock waste haulers, marking the informal start of oversight.
- 2012:** Ordinance 2012-12 was adopted to regulate livestock waste receiver sites. Section 3 granted the Town Manager the authority to approve receiver properties based on parcel size, agricultural use, and site conditions. The ordinance ensures that only compatible properties—not vacant or noncompliant parcels—may receive waste.



155 F Road Loxahatchee Groves, FL 33470

- 2014:** Ordinance 2014-03 established the Town's full Manure Permit system, requiring permits for both haulers and receiver properties. It created operational standards, required documentation, and annual renewals.
- 2021:** The Florida Legislature passed F.S. 163.3205, preempting local governments from requiring permits, registrations, or fees from waste haulers, effective July 1, 2021.
- 2023:** A statutory extension was granted allowing towns with existing permit systems to continue regulation until July 1, 2025.
- 2025:** The Town is developing a Franchise Program with a standard agreement and application materials to preserve regulatory authority and comply with state law and anticipate bringing this forward for Council approval at the June 3, 2025 meeting in order to preserve the Town's ability to regulate livestock waste haulers.

Recommendation:

Discussion and direction from Council to bring Resolution No. 2025-28 forward at the June 3rd Council meeting for adoption and approval along with 2nd Reading of Ordinance No. 2025-02 Amending Chapter 38 "Solid Waste" of the Town's Code of Ordinances.

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Elizabeth V. Lenihan*
Ruth A. Holmes
Ben Saver
Tanya M. Earley
Amelia Jadoo
Daniel Harrell, Of Counsel

April 15, 2025

VIA ELECTRONIC MAIL ONLY

Town Council
Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470

RE: Charter Amendments

Dear Town Council:

This letter memorandum addresses the Town Council's interest to amend its Charter to adjust the election cycle for councilmembers to avoid annual elections, as well as other proposed amendments regarding borrowing authority, the Town Attorney's contract approval authority, and councilmember salaries. Below, I outline the process for charter amendments, and clarify legal requirements.

I. Charter Review Committee

To thoroughly evaluate potential charter amendments, the Town Council may wish to establish a Charter Review Committee. Pursuant to the Charter, the formation of such a committee requires the adoption of a resolution by the Town Council. A draft resolution is attached for your review and consideration. Additionally, a separate resolution will be required to appoint committee members.

Upon establishing the committee, the Town Council should provide clear guidance on the scope of the committee's review, including specific areas of focus (e.g., election cycles, borrowing authority), realistic expectations, and a deadline for submitting recommendations. I recommend a deadline of July 2025 to allow sufficient time for subsequent steps in the process.

II. Charter Amendment Process

Pursuant to Section 166.031, Florida Statutes, charter amendments must be proposed by ordinance, approved by the Town Council after two public readings, and submitted to the voters for approval through referendum at a general or special election. The key steps are as follows:

1. Council Review and Ordinance Preparation: Following the Charter Review Committee's recommendations, the Town Council may direct the Town Attorney or Town Staff to draft ordinances for each proposed amendment. Each ordinance must include specific ballot language for the referendum, as required by Section 166.031(1), Florida Statutes.
2. Public Readings: The Town Council must conduct two public readings of each ordinance. To meet deadlines for the March 2026 general election, I recommend the first reading occur at the September 2025 Town Council meeting and the second reading at the October meeting.
3. Notification to Supervisor of Elections: Following the adoption of the ordinance(s), the Town Clerk must notify the Supervisor of Elections by late November 2025 to ensure inclusion on the March 2026 ballot.
4. Voter Approval: A majority vote at the March 2026 election is required to approve each proposed amendment as required by Section 166.031(1), Florida Statute.
5. Post-Approval Actions: Upon voter approval, the Town Charter must be updated, and the amended charter filed with the Florida Department of State as mandated by Section 166.031(3), Florida Statute.

III. Proposed Charter Amendments

A. Election Cycles

The Town Charter currently provides for five councilmembers serving three-year terms, with terms expiring as follows:

- Seat 1 – expires March 2027 (currently held by Phillis Maniglia)
- Seat 2 – expires March 2028 (currently held by Lisa El-Ramey)
- Seat 3 – expires March 2027 (currently held by Anita Kane)
- Seat 4 – expires March 2028 (currently held by Paul Coleman II)
- Seat 5 – expires March 2026 (currently held by Marg Herzog)

This current structure results in an election each year, which the Council seeks to avoid.

The current language in the Charter concerning election terms and cycles reads as follows:

- Section 3. – Election and terms of Office.
 - (1)Term of office and term limits.
 - (a) Each council member shall be elected at large for a 3-year term by the electors of the town in the manner provided herein. Council members shall be sworn into office at the first regularly scheduled meeting following their election. Each council member shall remain in office until his or her successor is elected and assumes the duties of the position.
 - (b)Term limit.
 - 1. Individual council members shall be prohibited from holding office for more than two (2) consecutive terms. This term limit shall commence with terms beginning with the March 2020 municipal election. The term "holding office" shall be defined as serving as a council member. The term "consecutive terms" shall not include any time served as a result of an appointment or having been elected to a partial term to fill a vacancy.
 - 2. A person who has served the maximum amount of consecutive terms allowed by this charter as a council member shall not assume office again until a regular election cycle has expired following the completion of his/her last term of office. The resignation from, or forfeiture of, the office of a council member during any part of the three (3) year elective term shall be deemed to constitute a full and complete term under this section.
- Section 7. – Elections.
 - (3) Election dates. A special election shall be held on the second Tuesday in March 2007, and regular elections shall be held on the second Tuesday in March of each election year, provided as follows:
 - (a) For the two council member seats that received the highest number of votes in the March 2007 election, the next election to fill the council member seats shall be held on the second Tuesday in March after the first Monday in March in 2010, and every 3 years thereafter.
 - (b) For the two council member seats that received the next highest number of votes in the March 2007 election, the next election to fill the council member seats shall be held on the second Tuesday in March after the first Monday in March in 2009, and every 3 years thereafter.
 - (c) For the remaining council member seat, the next election to fill the council member seat shall be held on the second Tuesday in March after the first Monday in March in 2008, and every 3 years thereafter.(d)Such town elections shall be general town elections.

B. Borrowing Power

The Town Manager proposes amending the Town Charter to change the repayment term for certain types of borrowing from a repayment term of 36 months to a repayment term that is consistent with the life cycle of the project or asset at issue. A similar proposal was presented to the Town Council in 2022. It was ultimately rejected. The draft ordinance incorporating that proposal is attached.

The current language in the Charter concerning the Town's borrowing power reads as follows:

- Section 6. – Budget and appropriations:
 - (6) Revenue bonds; lease-purchase contracts. Unless authorized by the electors of the town at a duly held referendum election, the council shall not authorize or allow to be authorized the issuance of revenue bonds or enter into lease-purchase contracts or any other unfunded multiyear contracts for the purchase of real property or the construction of any capital improvement, the repayment of which extends in excess of 36 months, unless mandated by state or federal governing agencies.

C. Town Attorney's Contract Execution Authority

The Town Manager proposes removing the requirement that the Town Attorney approve all contracts. The current language in the Charter concerning the approval of contracts reads as follows:

- Section 4. – Administrative.
 - (4)(d)3. Approve all contracts, bonds, and other instruments in which the town is concerned and shall endorse on each his or her approval of the form and correctness thereof. No contract with the town shall take effect until his or her approval is so endorsed thereon.

As Town Attorney, I respectfully note that the current requirement ensures legal oversight and protects the Town's interests. Removing it could increase legal risks. The Town Council should weigh the benefits and risks of the proposed amendment.

D. Councilmember Salary Increase

The Charter permits the Town Council to increase councilmember salaries by a supermajority vote, without requiring a charter amendment. The current language in the Charter concerning salary increases for Councilmembers reads as follows:

- Section 4. – Administrative.

Town Council
Town of Loxahatchee Groves
April 15, 2025
Page 5

- (4)(e)2. The town council, by not fewer than four affirmative votes, may elect to provide for compensation and any increase in such compensation by ordinance. However, no such ordinance establishing or increasing compensation shall take effect until the date of commencement of the terms of council members elected at the next regular election which follows the adoption of such ordinance.

At the Town Council's direction, the Town Attorney or Town Staff can prepare an ordinance to effectuate a salary increase, which would follow the standard ordinance adoption process for the Councilmembers.

I am available to discuss these matters at your convenience or during the next Town Council meeting.

Sincerely,



Glen Torcivia
Enclosures

cc: Francine Ramaglia, Town Manager
Valerie Oakes, Town Clerk

ORDINANCE NO. 2022-____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE TOWN OF LOXAHATCHEE GROVES TO BE HELD ON _____, AS TO WHETHER THE TOWN OF LOXAHATCHEE GROVES CHARTER SHALL BE AMENDED IN THE FOLLOWING RESPECT: AMEND PARAGRAPH (6) OF SECTION 6 “BUDGET AND APPROPRIATIONS” OF THE CHARTER TO PROVIDE FOR A CHANGE IN THE REPAYMENT TERM FOR CERTAIN TYPES OF BORROWING FROM A REPAYMENT TERM OF THIRTY SIX (36) MONTHS TO A REPAYMENT TERM THAT IS CONSISTENT WITH THE LIFE-CYCLE OF THE PROJECT OR ASSET; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Paragraph (6) of Section 6 of the Town Charter provides that approval by referendum is required for certain borrowing where repayment is in excess of thirty six (36) months; and

WHEREAS, amending paragraph (6) of Section 6 of the Town Charter to change the requirement for approval of debt by referendum from a repayment in excess of thirty six (36) months to a repayment that is consistent with the life-cycle of the project or asset will enable the Town Council to authorize borrowing where the repayment terms do not exceed the life-cycle of the project or asset without a referendum; provided that this change would not affect any referendum required by state law or state or federal agencies; and

WHEREAS, the life-cycle of a project or asset is identified using industry standards and is utilized by the lending institution in determining the longevity of debt service available to fund that project or asset; and

WHEREAS, the Town Council has determined that a provision of the Town Charter should be amended; and

WHEREAS, the Town Council has further determined that the Town of Loxahatchee Groves electors should determine whether the Town Charter should be amended as provided in this Ordinance; and

WHEREAS, it is necessary and essential to call and hold a referendum submitting the issue of whether the Town of Loxahatchee Groves Charter shall be amended as provided in this Ordinance.

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

Section 1. The foregoing recitals are hereby fully incorporated herein by reference as true and correct and as the legislative findings of the Town Council.

Section 2: That a referendum is hereby ordered to be held in the Town on the ____ day of _____ 202__, to determine whether or not the Town of Loxahatchee Groves Charter shall be amended to amend Paragraph (6) of Section 6. – Budget and appropriations to read as follows:

(6) *Revenue bonds; lease-purchase contracts.* Unless authorized by the electors of the town at a duly held referendum election, the council shall not authorize or allow to be authorized the issuance of revenue bonds or enter into lease-purchase contracts or any other unfunded multiyear contracts for the purchase of real property or the construction of any capital improvement, the repayment of which extends in excess of the life-cycle of the project or asset ~~36 months~~, unless mandated by state or federal governing agencies.

Section 3: The form of the ballot for the Charter amendment provided for herein shall be as follows:

AMENDING REFERENDUM REQUIREMENT FOR THE TOWN'S
ISSUANCE OF CERTAIN TYPES OF DEBT

The present Charter requires referendum approval for revenue bonds, lease purchase contracts, or any other unfunded multiyear contracts to purchase real property or construct capital improvements where the repayment term exceeds

thirty six (36) months. Should the Charter be amended to change the referendum requirement for such debt where the repayment term exceeds the life-cycle of the project or asset, provided that a referendum would still be required if required by law, or state or federal agencies?

Yes ☐

No ☐

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the amendment set forth in Section 2 of this Ordinance shall become and be made part of the Charter of the Town of Loxahatchee Groves, Florida.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading. The amendment of the Charter as set forth in Section 2 of this Ordinance shall be effective upon approval by the electorate of the Town at the election on _____, 202__.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __DAY OF ____, 2022.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	☐	☐	☐
LAURA DANOWSKI, VICE MAYOR	☐	☐	☐
MARGARET HERZOG, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐

MARIANNE MILES, COUNCILMEMBER

☐ ☐ ☐

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2022.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	☐	☐	☐
LAURA DANOWSKI, VICE MAYOR	☐	☐	☐
MARGARET HERZOG, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
MARIANNE MILES, COUNCIL MEMBER	☐	☐	☐

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor Robert Shorr

Lakisha Q. Burch, Town Clerk

Vice Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

Council Member Margaret Herzog

Office of the Town Attorney

Council Member Phillis Maniglia

Council Member Marianne Miles

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2025-__

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ESTABLISHING A CHARTER REVIEW COMMITTEE; ASSIGNING ITS DUTIES; PROVIDING AUTHORITY FOR EXPENDITURES; PROVIDING FOR PUBLIC MEETINGS; PROVIDING FOR STAFF SUPPORT FOR THE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE AND A DATE FOR TERMINATION OF ACTIVITIES.

WHEREAS, the Town Council of the Town of Loxahatchee Groves (“Town Council”) deems it advisable that a study and review of the existing town charter be conducted. The committee shall make a study of such portions of the town charter as it determines or as shall be brought to its attention by the Town Council or the Town Manager as being ambiguous, unclear or not in the best interests of efficient economical operation of the Town of Loxahatchee Groves (“Town”) and shall make recommendations for revision of or amendments to the charter as may appear necessary to assure the residents of the Town that the charter will be responsive to their interests and for the purpose of determining the advisability of amending any part or all of said charter in accordance with the provisions of controlling legal authority; and

WHEREAS, a Charter Review Committee was convened in 2019 resulting in amendments to the Town’s Charter; and

WHEREAS, the Town Council deems it appropriate and for a public purpose to create a Charter Review Committee at this time to review and study the existing charter with said Charter Review Committee submitting recommendations to the Town Council for approval.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. A Charter Review Committee is hereby created, consisting of between 9 and 15 total members to be appointed by the Town Council to serve in an advisory capacity as follows:

- (a) Each Councilmember shall select up to three (3) members who are not members of the Town Council; and
- (b) Each member shall be a resident of the Town.

Section 2. The Charter Review Committee shall review and study the existing town charter and possible amendments or revisions thereto and make written recommendations to the Town Council as to suggested amendment or revision of the town charter. The Charter Review Committee shall function as an advisory body to the Town Council.

Section 3. The Town Council, upon receipt of the findings and recommendations of the Charter Review Committee, shall review same and determine whether the existing charter should be amended or revised. The Town Council may cause to be prepared such ordinance or ordinances as it may deem advisable to amend or revise the existing town charter in the manner as provided by law.

Section 4. The Town Manager may from time-to-time exercise her authority to make expenditures for the Charter Review Committee in the performance of its duties as provided in this Resolution.

Section 5. Upon appointment of members to the Charter Review Committee, the Town Council shall direct staff to establish a time, date, and place for the first meeting of the Committee. At the first meeting of the Committee, the Committee shall select a chairperson and vice chairperson. The vice chairperson shall assume the duties of the chairperson in the absence of the chairperson. Any vacancy created by the incapacity, resignation or otherwise of a board member shall be filled at the next regular or special meeting of the Town Council by the Councilmember who originally appointed the member.

Section 6. The Charter Review Committee shall hold those public meetings it deems necessary and receive input from the public concerning the advisability of amending the town charter.

Section 7. All meetings of the Charter Review Committee shall be noticed and open to the public. The Committee shall have minutes of each meeting taken. A majority of the Committee shall constitute a quorum.

Section 8. The Town Manager, Town Attorney and Town Clerk are hereby directed to support the Charter Review Committee in its organization and in considering, formulating and making findings and recommendations.

Section 9. This Resolution shall take effect immediately upon adoption. Upon

consideration and acceptance of the findings and recommendations of the Charter Review Committee by the Town Council, the Committee shall be deemed disbanded and the Committee's existence shall terminate.

Councilmember _____ offered the foregoing resolution. Councilmember seconded the motion, and upon being put to a vote, the Resolution is hereby:

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ____ DAY OF _____ 2025.

ATTEST:

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

Valerie Oakes, Town Clerk

Voted:
Mayor Anita Kane, Seat 3

APPROVED AS TO LEGAL FORM:

Voted:
Vice Mayor Margaret Herzog, Seat 5

Office of the Town Attorney

Voted:
Councilmember Phillis Maniglia, Seat 1

Voted:
Councilmember Lisa El-Ramey, Seat 2

Voted:
Councilmember Paul Coleman II, Seat 4

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council, Town of Loxahatchee Groves

FROM: Francine L. Ramaglia, CPA, AICP, ICMA-CM, Town Manager

DATE: May 6, 2025

SUBJECT: Discussion of Proposed Ordinance Updates to the Unified Land Development Code

Background:

This ordinance includes housekeeping updates to clarify, clean up, and modernize the Town's development rules (ULDC). These changes clarify regulations and provide for better organization and improved consistency of enforcement of the ULDC. A number of these provisions have been discussed previously and modifications directed by Council. The primary revisions for discussion are summarized as follows:

Voting Rules: Simple majority needed to amend the ULDC. This change is significant but necessary in order to move forward and update the code to meet the needs of the community. Necessitating a super majority gives undue power to the minority and can result in an ordinance that lacks consistency or clarity, because of the compromises necessary for its passage. Furthermore, the supermajority requirement presumes the existing ULDC provisions are more perfect than they actually are.

Code Interpretation & Enforcement: Clarifies Town Manager is interpreter of the Code. This is implicit in the current code, yet we believe it should be clearly stated.

Updated Definitions: Revises definition of self-storage facilities to ensure indoor-only access and no residential use.

Outdoor Storage Rules: Clarifies that storage of recreational vehicles is regulated by Article 92, so all RV regulations are in one place in the ULDC.

Outdated Sections Removed: Deletes section relating to non-conformity determinations which was internally inconsistent and misplaced the Town Council's role in the process. Eliminated historical legacy provisions.

Self-Storage Standards: Updates and clarifies regulations relating self-storage buildings and operations.

Road Standards: Clearly identifies what roadways are local roads.

Access Easements to landlocked parcels: Clarifies requirements and provides a requirement for turnaround of sufficient dimension to accommodate large vehicles such as fire and garbage trucks.

Street standards: Updates local roadway design standards.

Notice Requirements: Clarifies that applicants are responsible for mailing costs incurred by the Town in providing notice of hearings and who may be able to present evidence at a hearing. This does not limit the right of the public to comment on applications during a public hearing.

Vested Rights: Modifies the application requirements and process for property owners can apply for and appeal vested rights determinations.

These updates are suggested to make the code easier to read, implement and enforce; to remove unnecessary and/or outdate provisions; improve consistency with recent rules; and to facilitate application of the code fairly, timely and accurately.

We will provide the Town Council with a tally sheet for you to use to determine whether a topic should be heard by the ULDC Committee or should be heard directly by the Town Council.

Recommendation:

Staff is seeking direction on what Unified Land Development Code items should be heard by the ULDC Committee or directly by the Town Council.

	Code Item	Submit for ULDC Review	Do Not Submit for ULDC Review
1	Amend to add simple majority to amend the ULDC		
2	Amend to add Town Manager is interpreter of ULDC		
3	Revise Definitions – self storage facilities to ensure indoor access and no residential uses		
4	Amend Outdoor Storage to include regulation of RV storage in Article 92		
5	Delete non-conformity determinations		
6	Delete historical legacy provisions		
7	Update self-storage buildings and operations		
8	Identify which roadways are local		
9	Add regulations for access easements to landlocked parcels		
10	Update local roadway design standards		
11	Amend notice requirements to hold applicants responsible for mailing costs and who may present evidence during a public hearing		
12	Amend vested rights provisions to change application requirements and process for property owner to apply and appeal		
13	Adopt Rural Vista Guidelines		
14	Add of Agritourism Committee Recommendations		
15	Amend Tree Removal and add disbursement of mitigation funds		
16	Amend Landscaping regulations		
17	Revise Definitions – livestock, poultry, pigs, household pets		
18	Amend Commercial Zoning District Use Chart		
19	Update/Amend Accessory Use Dwellings and any state impacts		
20	Add Townwide Traffic & Rural Roadway Standards		
21	Amend Conditional Uses/Special Exception procedures		
22	Amend concurrency requirements		
23	Amend non-conforming lot regulations		
24	Define Essential Services		
25	Amend Building Height to 2 stories		
26	Amend notice requirements for events vs meetings		
27	Amend Administrative Site Plan Approvals		
28	Add Nuisance Abatement regulations		
29	Review density vs lot size		
30	Amend inconsistent use of terms such as “plot” vs “lot”		
31	Update driveways and parking regulations		
32	Clarify permitted uses in AG Zoning District		

NOTE: The items listed are not in a particular order.
The list is not comprehensive so items can be added.
If an item is a high priority, please note it.

ORDINANCE NO. 2025-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 05-070 “TOWN COUNCIL TO AMEND ZONING REGULATIONS” TO ELIMINATE THE SUPER MAJORITY VOTE FOR AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT CODE, SECTION 05-015 “ENFORCEMENT, INTERPRETATION, PURPOSE AND CONFLICT” CLARIFYING WHO IS THE INTERPRETER OF THE CODE, SECTION 05-110 “VIOLATION OF CODE OR DEVELOPMENT ORDER CONDITIONS” REGARDING VIOLATIONS OF THE UNIFIED LAND DEVELOPMENT CODE OR DEVELOPMENT ORDERS; SECTION 10-015 “DEFINITIONS” AMENDING THE DEFINITION FOR LIMITED ACCESS INDOOR SELF-STORAGE FACILITY; SUBSECTION 20-010(G) “OUTDOOR STORAGE” REGARDING STORAGE OF RECREATIONAL VEHICLES; DELETING SECTIONS 75-015 “DETERMINATION OF A NONCONFORMITY” AND 75-035 “HISTORICAL LEGACY USES AS OF OCTOBER 1, 2006” TO REMOVE UNNECESSARY PROCEDURES; AND AMENDING SECTION 80-075 “LIMITED ACCESS INDOOR SELF-STORAGE FACILITY” RELATING TO SUCH FACILITIES, SECTION 100-005 “LOCAL AND COLLECTOR ROADWAYS, GENERALLY”, SECTION 100-040 “PRIVATE INGRESS/EGRESS ARRANGEMENTS”, AND SECTION 100-045 “MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STREETS” PROVIDING STANDARDS FOR LOCAL ROADWAYS AND PRIVATE INGRESS/EGRESS ARRANGEMENTS, SECTION 115-025 “MAIL NOTICES” TO ELIMINATE INCONSISTENCIES, AND ARTICLE 125 “VESTED RIGHTS DETERMINATIONS” TO PROVIDE ADDITIONAL REQUIREMENTS AND PROCEDURES FOR APPLICATIONS FOR VESTED RIGHTS DETERMINATIONS, ALL OF THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 166, Florida Statutes, is authorized and empowered to adopt land development regulations within the Town; and

WHEREAS, the Town Council desires to make various updates to its Unified Land Development Code (“ULDC”); and

WHEREAS, the Town Council desires to eliminate the need for a super majority vote of Town Council to amend the provisions of the ULDC; and

WHEREAS, the Town Council desires to clarify the final interpreter of the ULDC and the compliance requirement and means of enforcement for violations of permits and development orders; and

WHEREAS, the Town Council desires to amend the definition of a limited access indoor self-storage facility; and

WHEREAS, The Town Council desires to revise regulations on outdoor storage of recreational vehicles in the residential zoning district to be consistent with recently adopted regulations regarding recreational vehicles; and

WHEREAS, the Town Council desires to remove provisions in the ULDC relating to determination of nonconformities and historical legacy uses in existence as of October 1, 2006; and

WHEREAS, the Town Council desires to revise the conditional use standards and criteria for limited access indoor self-storage facilities; and

WHEREAS, the Town Council desires to amend the standards for local roadways and private ingress/egress arrangements; and

WHEREAS, the Town Council desires to update requirements to eliminate inconsistencies regarding mail notices; and

WHEREAS, the Town Council desires to update requirements and procedures relating to vested rights determinations; and

WHEREAS, the Town Council determined that the enactment of this ordinance is for a proper municipal purpose and in the best interest of the residents of the Town.

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 incorporated herein by this reference.

Section 2. Section 05-070 “Town Council to amend zoning regulations” of Article 05 “Administration and Legal Provisions” of Part I “Administration and Definitions” of the Unified Land Development Code is hereby amended as follows (words ~~stricken~~ are deletions; words underlined are additions):

Section 05-070. - Town Council to amend zoning regulations.

Whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires, the Town Council may, by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by the ULDC or amendments hereto. ~~Any amendment to the ULDC shall require a super majority vote of four or more Council members.~~

Section 3. Section 05-015 “Enforcement, interpretation, purpose and conflict” of Article 05 “Administration and Legal Provisions” of Part I “Administration and Definitions” of the Unified Land Development Code is hereby amended as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 05-015. - Enforcement, interpretation, purpose and conflict.

- (A) The Town Manager and Town Council, as applicable, shall designate Town personnel and contractual agents of the Town, who shall have the authority to enforce the provisions of the ULDC.
- (B) Where it is found that any of the provisions of the ULDC are being violated, enforcement proceedings may be initiated against the real property owner, the tenant if applicable, and any other person violating the provisions of the ULDC as provided in the Town of Loxahatchee Groves Code of Ordinances and as otherwise provided by law. Any enforcement procedure authorized by the Town of Loxahatchee Groves Code of Ordinances, county or state law, may be used to enforce the provisions of the ULDC. It shall be at the discretion of the Town Manager to determine which method of enforcement is appropriate and whether more than one method of enforcement should be brought, as provided by law.
- (C) In addition to enforcement by the Town Manager, the provisions of the ULDC may be enforced by the Town's law enforcement agency, as violations of a Town ordinance and as such shall be punishable as provided by law.
- (D) Further, the Town Council may authorize the Town Attorney to bring legal action in a court of competent jurisdiction.
- (E) Where the ULDC includes regulations on the same point as contained in any other law or ordinance, the provisions of the ULDC shall govern unless otherwise prohibited by law; except that where the regulations of the other law or ordinance are more restrictive than those of the ULDC, the other shall govern.
- (F) The Town Council is the final interpreter of the provisions of the ULDC. Where the provisions of the ULDC provide for an administrative decision, the Town Manager is the final administrative interpreter of the provisions of the ULDC.

Section 4. Section 05-110 “Violation of Code or development order conditions” of Article 05 “Administration and Legal Provisions” of Part I “Administration and Definitions” of the Unified Land Development Code is hereby confirmed and readopted as set forth in Ordinance No. 2022-04 and further amended as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 05-110. - Violation of Code or development order conditions.

- (A) An application for a development permit may be deferred, denied, or approved with appropriate conditions, when the property is in violation of the ULDC or in violation of a condition of a previously approved development order.
- (B) Compliance with approved permits, development orders, and conditions thereof is required.
- (C) Any violation of ~~any portion of the ULDC or any violation~~ or non-compliance with ~~any~~ an approved permit, development order or condition thereof placed on any permit or any approval given to any development or project by Town Council, a board or administratively shall be deemed is a violation of the Code this section and shall be subject to the Town's code enforcement process, set forth in Chapter 14 of the Code, as well as any other legal action available to the Town including but not limited to injunctive relief.

Section 5. The definition of "limited access indoor self-storage facility" in Section 10-015 "Definitions" of Article 10 "Definitions, Abbreviations, and Construction of Terms" of Part I "Administration and Definitions" of its Unified Land Development Code is hereby confirmed and readopted as set forth in Ordinance No. 2021-02 and further amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Limited access indoor self-storage facility. ~~Limited access indoor self-storage facility shall A~~ building that consists of individual, self-contained units that are leased for the storage of business, household, or other personal goods; ~~where the Self-storage development shall consist of storage bays with~~ are accessed only from the interior corridors of the building. ~~A management office is an allowed accessory use. Any residential use is prohibited.~~

Section 6. Subsection (G) "Outdoor Storage" of Section 20-010 "General Provisions" of Article 20 "Residential Zoning Districts" of Part II "Zoning Districts" of its Unified Land Development Code is hereby amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

(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.

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. Storage of recreational vehicles is subject to the restrictions and requirements in Article 92.

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.

Section 7. Section 75-015 “Determination of a nonconformity” of Article 75 “Nonconforming Uses, Structures and Plots” of Part III “Supplemental Regulations” of the Unified Land Development Code is hereby deleted.

Section 8. Section 75-035 “Historical Legacy Uses as of October 1, 2006” of Article 75 “Nonconforming Uses, Structures and Plots” of Part III “Supplemental Regulations” of the Unified Land Development Code is hereby deleted.

Section 9. Section 80-075 “Limited access indoor self-storage facility” of Article 80 “Conditional Uses” of Part III “Supplemental Regulations” of the Unified Land Development Code is hereby confirmed and readopted as set forth in Ordinance No. 2021-02 and further amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 80-075. Limited access indoor self-storage facility.

~~Any Limited access indoor self-storage facility as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms"~~ shall be permitted in the Commercial Low (CL) zoning district subject to a Category A Special Exception approval and compliance with the following conditional use standards and criteria:

- (A) ~~Use(s). A limited access indoor self-storage facility shall consist of storage bays with direct access only from the interior corridors of the building.~~ A management office within the facility is an allowed a permitted accessory use. Such office must have its own space designed for such purpose and shall not be located in one of the storage bays, hallways, or access areas.
- (B) *Locational requirement.*
- (1) A limited access indoor self-storage facility shall have direct frontage and vehicular access to Southern Boulevard or the frontage road along Southern Boulevard.
 - (2) There shall be a minimum separation of two miles between limited access (indoor) self-storage ~~facilities~~ developments.
- (C) *Site and building design.*
- (1) *Maximum site dimensions.* A limited access indoor self-storage facility site shall be limited to a maximum of 250-feet of street frontage along the Southern Boulevard right-of-way and 500 feet of depth from the Southern Boulevard right-of-way.
 - (2) *Architecture.* Architectural design shall comply with the Rural Vista Guidelines.
 - (3) *Building height.* Building height (excluding parapets and architectural or mechanical features) shall not exceed 35 feet from finished grade.
 - (4) *Maximum plot coverage.* Maximum plot coverage of all buildings and roofed structures shall not be more than 30 percent of the gross site area.
 - (5) *Maximum floor area.* Maximum floor area shall be determined with each application and regulated by applying the building height, maximum plot coverage and minimum pervious area, per subsections (3), (4), and ~~(5)~~ of this section to the subject property ~~provided that ULDC required as well as the required minimum~~ building setbacks, landscape buffers, minimum required parking, circulation and loading standards, and site infrastructure, including access, drainage and utilities requirements as set forth in the ULDC ~~can be complied with.~~
 - (6) *Minimum pervious area.* The minimum pervious area shall be 30 percent of the plot.
 - (7) *Lighting and security plan.* A lighting (photometric) plan and security plan shall be required and at least include details for the following:
 - a. 24-hour security cameras, alarm system, use of gates with keypads and security lighting.
 - b. Site lighting used to illuminate the site after dusk shall be designed and arranged to reflect away from adjacent properties and away from any street, and shall comply with ULDC Section 50-030, "Outdoor lighting."

- (8) *Signs.* One monument sign advertising the self-storage facility business may be erected on the plot frontage that abuts Southern Boulevard or the frontage road along Southern Boulevard ~~an arterial road right-of-way~~ and complies with ULDC Article 90 Section 90-035. Such signage shall observe the site sight distance triangle requirement of Article 105, "Sight Distance."
- (9) *Prohibited uses.*
- The storage of flammable, hazardous or explosive materials, goods or products ~~shall be prohibited~~.
 - On site caretakers or any residential use.
 - Operation of Bbusinesses ~~shall not operate~~ within self-storage facility storage bays ~~units~~.
 - Outdoor storage of vehicles, recreational vehicles, boats, merchandise, business, household or other personal goods ~~shall be prohibited~~.
- (10) ~~{Landscaping.}~~ Landscaping shall comply with ULDC Article 85 Landscaping, including incorporation of an incompatible use perimeter landscape buffer, per Section 85-060(B)(1) if the self-storage facility abuts, or is separated from an Agricultural Residential zoning district by a public or private road, street, right-of-way, or canal.

Section 10. Section 100-005 "Local and collector roadways, generally" of Article 100 "Access Standards and Subdivision" of Part IV "Parking and Loading, Access and Subdivision, Sight Distance" of the Unified Land Development Code is hereby confirmed and readopted as set forth in Ordinance No. 2021-07 and further amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 100-005. – Local ~~and collector~~ roadways, generally.

- Local roadways are those illustrated on Map TRN 2 Local Roads Classification Map or meeting the qualifications in Table TRN 1 Local Roads Functional Classification System of the Comprehensive Plan.
- The design of all local roadways ~~streets and collectors~~ shall preserve the unique, rural character of the Town and discourage non-resident traffic in residential areas. In part this shall be achieved by ensuring that all local roadways ~~and collectors~~ be constructed of a width, design, and materials deemed acceptable by the Town of Loxahatchee Groves Town Council.
- The maximum speed limit on all local roadways ~~streets and collectors~~ within the Town boundaries; ~~except Southern Boulevard, Okeechobee Boulevard, and Folsom Road;~~ is 25 miles per hour.

Section 11. Section 100-040 “Private ingress/egress arrangements” of Article 100 “Access Standards and Subdivision” of Part IV “Parking and Loading, Access and Subdivision, Sight Distance” of the Unified Land Development Code is hereby confirmed and readopted as set forth in Ordinance No. 2021-04 and further amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 100-040. - Private ingress/egress arrangements.

All individual and shared access to landlocked parcels shall meet the following requirements:

- (1) The ingress/egress easement shall provide for access by emergency vehicles and government officials, employees, or contractual service providers during the course of their official duties.
- (2) All property owners utilizing an individual or shared access easement shall enter into an agreement defining the rights and responsibilities of the parties in regards to the maintenance of the access easement and shall record such agreement in the Public Records of Palm Beach County, Florida.
- (3) The developer and property owner shall enter into, and shall record in the Public Records of Palm Beach County, Florida, a Declaration of Restrictive Covenants for ~~Private Roadways and Access~~ in a form approved by the Town Attorney, which shall run with the land and, at a minimum in part, meet the requirements of this section and indemnify and hold harmless the Town and its agents for the construction of an access easement, which is less than the access standards ~~easement~~ set forth in Section 100-045, "Minimum standards for public and private streets."
- (4) The permissibility of an ingress/egress arrangement pursuant to Section 100-035, "Access to development" is conditioned upon no further subdivision being possible that would require dedication and construction of a public or private street in lieu of an ingress/egress easement.
- (5) The address of all properties without direct, legal access to a public road shall be displayed at the public street entrance of the ingress/egress easement and again at the entrance to each property from the driveway.
- (6) ~~The Have a maximum length of an ingress/egress easement pursuant to Section 100-035, "Access to development" shall be one-quarter mile (1,320 feet) and comply with the requirements of pursuant to Section 100-035, "Access to development".~~
- (7) Any ingress/egress arrangement that does not conclude as an intersection of another easement or a 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.

- (8) Private ingress/egress arrangements shall not provide ingress to and egress from areas within the Town from and to areas outside of the Town's corporate limits. Any ingress to and egress from areas within the Town from and to areas outside of the Town's corporate limits must be through a publicly dedicated street that meets the requirements of Section 100-045 and has been accepted by Town Council as a public street.

Section 12. Section 100-045 "Minimum standards for public and private streets" of Article 100 "Access Standards and Subdivision" of Part IV "Parking and Loading, Access and Subdivision, Sight Distance" of the Unified Land Development Code is hereby confirmed and readopted as set forth in Ordinance No. 2021-04 and further amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 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 streets) shall be as follows:
- (1) *Volume.* Typical volume of local roadways shall be between zero and ~~2,000~~ 400 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, or Folsom Road, 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 speed of ~~30~~ 50 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 incorporate greenway(s) and multi-use trail(s). ~~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, limerock or shellrock 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. Roadway construction standards are established in the Town of Loxahatchee Groves Engineering Manual.~~

- (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.* A clear zone, a minimum of three (3) feet on each side of a roadway, is required. Where a clear zone cannot be provided due to proximity of a canal, a berm or guardrail shall be installed between the edge of pavement and the canal. Traffic signals, curbs, turn lanes, medians and sidewalks shall ~~not be provided unless specifically required~~ evaluated for requirement as directed 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.~~

Section 13. Section 115-025 “Mail notice” of Article 15 “Public Hearing Notices” of Part V “Development Review Procedures and Requirements” of the Unified Land Development Code is hereby amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Section 115-025. - Mail notices.

- (A) The owners of all lands located within the Town under consideration for approval of an application, and the owners of all lands within the Town lying within the distances prescribed by Section 115-10 (table), shall be notified by the Town of the application and of the first meeting at which the application will be considered. Such notices shall be sent U.S. Mail, postage-paid, to the persons shown upon the current tax rolls of Palm Beach County to be the respective owners unless there is actual knowledge of a subsequent property owner. Mail notification of subsequent public hearings is not required. The cost of all mail notices shall be paid to the Town by the applicant.
- (B) At minimum, mail notifications shall contain the following information:
 - (1) Explanation of the request;

- (2) Time, place and date of public hearing;
- (3) Phone number for information;
- (4) General location and address of the lands involved (if applicable);
- (5) That the application and supporting materials are available for inspection at Town Hall, specifying the Department and times the materials are available for review;
- (6) That persons may appear and be heard, subject to proper rules of conduct;
- (7) That written comments filed with the Town will be entered into the record;
- (8) That the hearing may be continued from time to time as necessary;
- (9) That any person who decides to appeal a decision made at the public hearing is advised they will need a record of proceedings and that accordingly, they may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based;
- (10) That persons with disabilities requiring accommodations in order to participate should contact the Town Clerk (provide phone number) at least 24 hours in advance of the public hearing to request such accommodation; and
- (11) Any other information required by law, noting that advertisements for comprehensive plan amendments and certain rezonings are specifically regulated by F.S. § 166.041, as may be amended from time to time.

(C) In addition to subsections (A) and (B), above, quasi-judicial hearing notices shall inform all ~~affected persons~~ recipients that they will be allowed to present evidence at the hearing and bring forth witnesses provided they meet the requirements of a party intervenor and submit a request to the Town to intervene as a party intervenor no less than five (5) working days prior to the hearing, as set forth in section 120-030. ~~notify and file the required forms available at the Town Clerk's Office.~~

Section 14. Article 125 “Vested Rights Determinations” of Part V “Development Review Procedures and Requirements” of the Unified Land Development Code is hereby amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

ARTICLE 125 – VESTED RIGHTS DETERMINATIONS

Sec. Section 125-005. Generally.

- (A) The Town Council recognizes that certain land development rights of property owners may be vested with respect to approved land uses, density or intensity of development and/or staging or phasing of development. Any person claiming vested rights to develop property shall make an application for a vested rights determination with the Town Manager. The application shall contain information sufficient to enable a determination to be made whether the land development right(s) is vested. The applicant shall submit any relevant supporting information, including development orders, development permits, contracts, letters, appraisals, reports, or any other documents upon which the application is based.

The applicant shall specifically identify in the application those provisions of the Comprehensive Plan or land development regulations the applicant believes should not apply because of vesting.

Sec. Section 125-010. Procedure.

- (A) The Town Manager shall review the application and any supporting documents and may consult with the Town Attorney's Office. If the application is determined to be incomplete, the applicant will be sent a written statement specifying the deficiencies. The Town Manager shall render a determination within ~~30~~ sixty (60) calendar days of receiving all information the Town Manager deems necessary to make the determination.
- (B) ~~If An applicant may appeal the determination of the Town Manager receives a notice of appeal from the applicant within 30 days of mailing the determination to the applicant by certified mail, the appeal shall be scheduled for a public hearing before the Town Council, which may uphold or reverse the Manager's determination pursuant to Article 145, "Administrative Appeals."~~
- (C) All vested rights determinations shall be based upon whether vested rights have been created pursuant to ~~the provisions set forth within this article~~, applicable statutes; or established case law; and shall consider whether any time limitation is applicable to such vested rights.
- (D) A vested rights determination may be suspended or revoked upon a showing by the Town that the determination was made based upon false, inaccurate, misleading or incomplete information submitted by the applicant. A vested rights determination shall not be revoked prior to a hearing being held by the Town Council. Notice of the revocation hearing shall be given at least thirty (30) calendar days prior to the hearing.

Sec. Section 125-015. - Standards for claims for vested rights, subject to changes in Florida law and applicable case law.

- (A) There was a valid, unexpired act of an agency of the Town upon which the applicant reasonably relied in good faith; and
- (B) The applicant, in reliance upon the valid, unexpired act of an agency of the Town, has made a substantial change in position or has incurred extensive obligations or expenses; and
- (C) It would be inequitable, unjust, or fundamentally unfair to destroy the rights acquired by the applicant.
- (D) The following are not considered development expenditures or obligations in and of themselves, without more, unless the applicant was unable to obtain further approvals because of extraordinary delays, beyond the applicant's control:
 - (1) Expenditures for legal and other professional services that are not related to the design or construction of improvements.

- (2) Taxes paid.
- (3) Expenditures for initial acquisition of land.

(E) The casual, temporary or illegal use of land or a structure, or part thereof, shall not be sufficient to create any vested rights in the continuance of such a use.

(F) It is recognized that there may be additional circumstances where some vested rights have arisen which are not specified above.

Section 15. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 16. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 17. 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 Unified Land Development Code of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, 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 18. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __DAY OF ____, 202__.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	☐	☐	☐
MARGARET HERZOG, VICE MAYOR	☐	☐	☐
PHILLIS MANIGLIA, COUNCILMEMBER	☐	☐	☐
LISA EL-RAMEY, COUNCILMEMBER	☐	☐	☐
_____, COUNCILMEMBER	☐	☐	☐

Councilmember _____ offered the foregoing ordinance. Councilmember

_____ seconded the motion, and upon being put to a vote, the vote was as follows:

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN
LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS
____ DAY OF _____, 202__.**

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	☐	☐	☐
MARGARET HERZOG, VICE MAYOR	☐	☐	☐
PHILLIS MANIGLIA, COUNCILMEMBER	☐	☐	☐
LISA EL-RAMEY, COUNCILMEMBER	☐	☐	☐
_____, COUNCILMEMBER	☐	☐	☐

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Town Clerk

Mayor Anita Kane

Vice Mayor Margaret Herzog

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Councilmember Phillis Maniglia

Councilmember Lisa El-Ramey

Councilmember

TOWN OF LOXAHATCHEE GROVES

155 F Road Loxahatchee Groves, FL 33470



AGENDA MEMO

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine L. Ramaglia, Town Manager

DATE: May 6, 2025

SUBJECT: Discussion of Scheduling Council and Community Strategic Planning

Background:

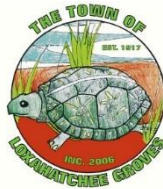
At the April 1, 2025, Town Council Regular Meeting, Council received documents relating to strategic planning and unanimously voted to move the item to the May 6, 2025, regular meeting.

Staff is requesting that the Town Council provide their list of priorities to the Town Clerk and to set a date in June for a Strategic Planning session.

Recommendations:

Review, discuss, and provide direction to the Town's staff and set a date in June for a Strategic Planning session.

TOWN OF LOXAHATCHEE GROVES
155 F Road Loxahatchee Groves, FL 33470



MEMORANDUM – OFFICE OF THE TOWN CLERK

TO: TOWN COUNCIL, TOWN OF LOXAHATCHEE GROVES
FROM: VALERIE OAKES, CMC, TOWN CLERK
CC: FRANCINE L. RAMAGLIA, CPA, AICP, ICMA-CM, TOWN MANAGER
DATE: TUESDAY, MAY 13, 2025
SUBJECT: LIST OF STRATEGIC PLANNING CONSULTANTS

Dear Honorable Mayor, Vice Mayor, and Councilmembers,

At the direction of the Town Council, Town staff has compiled and consolidated a list of consultants specializing in strategic planning, executive coaching, leadership development, and organizational effectiveness. The individuals and firms listed below were suggested by various sources and stakeholders, then reviewed and organized by staff for consideration by the Council.

Summary of Consultants Provided (Alphabetical Order):

1. **Howard W. Brown, Jr.** – *Principal Consultant, Local Government Consulting Group, LLC*
 - **Email:** howardb@localgcgroup.com
 - **Phone:** (561) 318-0046
 - **LinkedIn:** [linkedin.com/in/howardwbrownjr](https://www.linkedin.com/in/howardwbrownjr)
 - **Notes:** Over 25 years of experience in city management and local government consulting.

2. **Checree Bryant** – *Executive Coach, Actuate Consulting LLC*

- **Email:** checree@checreebryant.com
- **Phone:** (561) 812-2935
- **Website:** checreebryant.com
- **LinkedIn:** [linkedin.com/in/checreebryant](https://www.linkedin.com/in/checreebryant)
- **Notes:** Certified Leadership Coach and DISC Behavioral Consultant through the John Maxwell Team.

3. **Marilyn C. Durant** – *Founder & Senior HR Consultant, Durant Resources Group, Inc.*

- **Email:** marilyn@durantresources.com
- **Phone:** (561) 289-9276
- **Website:** durantresources.com
- **LinkedIn:** [linkedin.com/in/marilyndurant](https://www.linkedin.com/in/marilyndurant)
- **Notes:** Specializes in executive coaching, HR operations, and leadership development.

4. **Laura Gambino, MPA, CECd, SHRM-CP** – *Trainer/Consultant, Florida Institute of Government*

- **Email:** lchgambino27@gmail.com
- **Phone:** (561) 315-6595
- **LinkedIn:** [linkedin.com/in/lauragambino](https://www.linkedin.com/in/lauragambino)
- **Notes:** Provides municipal training and strategic facilitation; adjunct professor at FSU.

5. **Trina Pulliam** – *President, Trainnovations*

- **Email:** trina@trainnovations.com
- **Phone:** (561) 653-7509
- **Website:** trainnovations.com
- **LinkedIn:** [linkedin.com/in/trinapulliam](https://www.linkedin.com/in/trinapulliam)
- **Notes:** Expert in leadership development and organizational strategy; Senior Lead Examiner for the Baldrige National Performance Excellence program

6. **Dale S. Sugerman, Ph.D.** – *Organizational Coach, International Institute for Leadership Development and Training*

- **Email:** dalesugerman@bellsouth.net
- **Phone:** (954) 568-8760
- **Address:** 4343 Star Ruby Blvd, Boynton Beach, FL 33436
- **Notes:** Over 40 years of municipal experience; specializes in strategic planning and leadership development.

7. **Lyle Sumek** – *Founder, Lyle Sumek Associates, Inc.*

- **Email:** sumekassoc@gmail.com
- **Phone:** (386) 246-6250
- **Website:** lylesumek.com
- **LinkedIn:** [linkedin.com/in/lyle-sumek-6b176ab](https://www.linkedin.com/in/lyle-sumek-6b176ab)
- **Notes:** Renowned for strategic planning and team building for local governments.

8. **Treasure Coast Planning Council** – *Executive Director, Thomas Lanahan*

- **Email:** tlanahan@tcrpc.org
- **Phone:** (772) 221-4060
- **Website:** tcrpc.org
- **Notes:** Offer multiple services to local governments that include strategic planning.

Valerie Oakes
 Town Clerk
 Office of the Town Clerk
 Town of Loxahatchee Groves
 (561) 807-6672
voakes@loxahatcheegrovesfl.gov

**TOWN OF LOXAHATCHEE GROVES
RESOLUTION NO. 2024-19**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO PROCEDURES AND PUBLIC PARTICIPATION FOR MEETINGS OF TOWN BOARDS AND COMMITTEES; PROVIDING FOR SEVERABILITY, CONFLICT, AND AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 2015-18, the Town Council adopted uniform rules of order and procedure for the conduct business and public participation at Town board and committee meetings; and

WHEREAS, the Town Council has determined that the aforementioned rules of order and procedure should be revised to promote the orderly and efficient conduct of board and committee meetings; and

WHEREAS, the Town Council has determined that the rules of order and procedure adopted by Resolution No. 2015-18 should be revised and that Resolution No. 2015-18 should be repealed in its entirety and replaced with this Resolution.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves, Florida, as follows:

Section 1. The foregoing “WHEREAS” clauses are confirmed and ratified as being true and correct and are hereby made a specific part of this Resolution.

Section 2. All meetings of Town boards and committees shall be conducted in accordance with the following:

- A. All meetings or workshops shall be governed by the Rules of Procedure set forth herein, where applicable.
- B. Any board or committee member desiring to speak must be recognized by the Chair. If the Chair desires to participate in a discussion, he or she shall do so only when all members of the board or committee have spoken at least once (if so desired). No member of the board or committee shall

interrupt another member of the board or committee who has been recognized by the Chair and no member shall dominate the floor in excess of five (5) minutes without offering to yield to other members of the board or committee.

C. The Chair shall not use that position to dominate debate or discussion, nor unreasonably cut short or prolong any debate, discussion or taking of any vote.

D. Any matters not specifically addressed by this policy will be governed by Robert's Rules of Order to the extent possible.

E. Except when abstaining from voting in accordance with Florida Statutes, each member who is present at a meeting must vote on each decision, ruling or other official act. A roll call vote may be had on any matter for which the Chair deems is appropriate; otherwise, all votes may be done by voice vote. For roll call votes, the order of each member vote will rotate after each roll call vote. The Chair shall announce the results after each vote.

F. Public comments shall be placed on the agenda at the beginning of the meeting and at the end of the meeting. Public comments will also be entertained for each agenda item. Public Comment will be allowed prior to the vote on any item.

G. Public comment is an opportunity for members of the public to make comment and shall not be a question/answer period conducted with the board or committee.

H. Persons desiring to speak on an item shall submit a comment card to the board or committee clerk. Public comments made by a member of the public will be limited to one time per subject matter for a total of three minutes. Exceptions may be granted by the Chair.

I. Public comments received in writing will be made part of the record of the meeting but shall not be read aloud.

J. Each person addressing the board or committee shall step up to the podium and state his/her name and address in an audible tone of voice for the record. All public comments must be addressed to the board or committee as a body and not to individuals. Personal verbal attacks upon board or committee members, staff, and/or members of the public will not be tolerated.

K. Each person addressing the board or committee should refrain from advocating the election or defeat of a candidate for public office, either

partisan or non-partisan: (1.) through the use of words, dates, signs, props and/or wearing apparel that convey a message of express advocacy for a person or group of persons; or (2) through comments that, when taken as a whole, can only be interpreted as advocating the election or defeat of one or more identified candidates.

- L. Any person making impertinent obscene, personally insulting, defamatory, or slanderous remarks, who is advocating the election or defeat of a candidate, or who becomes boisterous or disruptive while addressing the board or committee shall be barred by the Chair from speaking further, unless permission to continue or again address the board or committee is granted by a majority vote of the board or committee members present.

Section 3. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This Resolution shall take effect upon its adoption.

Councilmember Sharr offered the foregoing resolution. Councilmember Danowski seconded the motion, and upon being put to a vote, the vote was as follows:

[Remainder of the page intentionally blank.]

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	☒	☐	☐
MARGARET HERZOG, VICE MAYOR	☒	☐	☐
LAURA DANOWSKI, COUNCILMEMBER	☒	☐	☐
PHLLIS MANIGLIA, COUNCILMEMBER	☒	☐	☐
ROBERT SHORR, COUNCILMEMBER	☒	☐	☐

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 7 DAY OF May 2024.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Valerie Oakes
Town Clerk

Anita Kane
Mayor Anita Kane

Margaret Herzog
Vice Mayor Margaret Herzog

APPROVED AS TO LEGAL FORM:

Elizabeth V. Lunden
Torcivia, Donlon, Goddeau, Rubin & Assoc.

Laura J. Danowski
Councilmember Laura Danowski

Phyllis Maniglia
Councilmember Phillis Maniglia

Robert Shorr
Councilmember Robert Shorr



155 F Road Loxahatchee Groves, FL 33470

TO: Mayor and Councilmembers

FROM: Francine Ramaglia, Town Manager

VIA: Jeffrey Kurtz, Project Manager

SUBJECT: Discussion of Draft Rural Vista Guidelines reviewed by last ULDC committee

Background:

The original *Rural Vista Guidelines* were developed in 2010 by the Rural Vista Committee, under the auspices of the Loxahatchee Groves Landowners Association. These guidelines have served as the informal basis for evaluating non-residential development and commercial architectural character within the Town. Their focus was on preserving the Town's rural identity through design elements such as native tree canopy preservation, residential-scale buildings, appropriate signage and materials, and rural-style landscaping.

In 2023–2024, the Rural Vista Committee reconvened to modernize the guidelines for consistency with the Town's Unified Land Development Code (ULDC), adopted Comprehensive Plan, and vision for limited, rural-compatible commercial and civic development. The updated draft includes new enforceable standards and clearer definitions, aligned with feedback from past development reviews and Council direction.

Summary of Key Changes and Enhancements:

- Clarifies applicability to *non-residential and non-agricultural development*, including civic and institutional uses.
- Integrates *design standards* for building mass, scale, façade treatment, material use, porches, and roof forms to reinforce rural character.
- Requires *native vegetation buffers* (35' or 50' minimum) and prohibits exposed flat roofs and corporate/franchise styling.
- Establishes *architectural compatibility standards* for accessory buildings and outparcel structures.
- Strengthens *non-vehicular pathway* and outdoor gathering requirements, particularly for larger projects.
- Adds clear prohibitions on mirrored windows, bold corporate colors, and unshielded lighting.



155 F Road Loxahatchee Groves, FL 33470

- Supports murals reflecting local history and provides detailed landscape and parking integration guidelines.

Unresolved Items and Loose Ends from Committee Discussions:

1. **Color Palette Reference** – The Committee discussed updating the color palette but deferred finalization. Staff recommends reaffirming use of the 2010 Pantone-based chart until a new exhibit is adopted.
2. **Outdoor Gathering Place Requirements** – The Committee recommended requiring such spaces for projects larger than 10 acres, but some members asked whether smaller projects should also be encouraged to include informal seating areas. Council direction is requested.
3. **Murals and Artistic Expression** – Several members supported incorporating murals reflective of Town history or landscape. Staff has included this permissively but requests guidance on approval criteria or review process.
4. **Applicability to Remodels and Outparcels** – There was discussion about whether remodels of existing buildings and pad site developments (outparcels) should conform fully to these standards. The draft applies these standards to all exterior remodels and any structure visible from public rights-of-way.

Staff Recommendation:

Discuss and decide direction to staff as to whether finalized draft should also be reviewed by newly seated ULDC or proceed directly to Council for continued discussion and adoption.

Rural Vista Design Standards and Guidelines.

Vision

The foundation of beauty in Loxahatchee Groves is harmony with nature and the preservation of the native tree canopy. The following design standards are applicable to all non-residential and non-agricultural development. Development of commercial and civic uses on property is necessary for the sustainability of any community, but such development shall be well-planned and invoke thoughtful design concepts that will enhance and maintain the Town's rural nature. Development projects shall have a consistent architectural style and architectural treatment on buildings shall be consistent on all sides. Development shall take into consideration and attempt to preserve and maintain the existing viable tree canopy. Building design shall be residential in scale and reflect rural character. Pedestrian friendly enhancements such as walkways, trails, porches, benches, boardwalks, outdoor gathering areas shall be incorporated into development projects when possible. Equestrian amenities and trail connections shall be considered when a link to an existing or proposed equestrian trail is near the proposed development.

A. *Site Design.*

1. *Design Objective – Building Placement.* In the rural areas, buildings are generally required to locate in the interior of lots to provide adequate land for open space and tree retention around the perimeter property lines. When the land adjacent to exterior lot lines is kept free from development a variety of design objectives including: screening between incompatible land uses, pedestrian connections between developments, preservation of native vegetation, stormwater mitigation, and wildlife movement can be achieved.

a. *Standards.*

(1) Development projects shall incorporate the existing vegetation into their design. Screening is required adjacent to all exterior property lines, except for points of vehicular or pedestrian access, for new development. Trails, utilities, small accessory structures such as a gazebo or picnic table, and fencing that does not impede wildlife movement may be permitted within required screening areas when the integrity of the screening can be maintained. The following screening standards shall be required, adjacent to

the exterior of a development, for all new divisions of land, commercial, civic uses and utility buildings:

- (a) Developments on five (5) acres or less – 35 feet.
 - (b) Developments on more than five (5) acres – 50 feet.
- (2) In Developments that portion of a commercial or civic building that faces the street shall be located at least 25 feet from the screening. When outdoor gathering places are provided, the building is not required to be setback 25 feet from the screening as long as the building is located immediately adjacent to the outdoor gathering place.

b. *Guidelines.*

- (1) Existing native vegetation shall be utilized for screening whenever possible. Supplemental landscaping may be necessary to provide an adequate screen. Drought tolerant vegetation is encouraged to avoid irrigation.
- (2) Landscaped areas may be suitable for required screening when a site is devoid or deficient in the quality and quantity of screening that is necessary to meet the objectives of this design element.

B. *Building Design.*

1. *Design Objective – Architectural Character and details.* A rural or rustic design theme is required for new development and exterior remodels of all buildings in . This design can be achieved by introducing details such as knee bracing, wood siding, use of trim and siding, covered porches and window treatments. Designs styles reflecting rural character include Colonial, Victorian, Farmhouse, Rustic and Bungalow. (Examples of such designs are included in Exhibit A). Building styles and techniques that create structures with an industrial appearance shall be avoided.

a. *Standards.*

- (1) Utilize wood, stone, brick, timber or other traditional building materials. Materials that mimic or simulate the appearance of these materials may be acceptable. Flat walls shall have a textured appearance or the appearance

of a pattern. Buildings shall not appear to be all brick or all rock. Incorporation of brick and rock as elements of the façade is acceptable.

(2) Window patterns shall be characterized by vertical proportions with horizontally oriented rectangular forms prohibited.

(3) The use of reflective or mirrored windows is prohibited.

(4) Tenant specific motifs shall be prohibited. As an alternative, signs may be used to identify a specific tenant.

(5) Standardized corporate or franchised style in the design of new buildings shall be prohibited.

(6) Accessory buildings and/or buildings in out parcels shall be designed of compatible building materials, roof forms, and color as primary structures within the development that conform to these design standards.

(7) Accessory structures and/or buildings in out parcels shall be designed to be architecturally comparable with the primary structure when the primary structure conforms to these design standards. Roof forms, building materials, and color shall be comparable to the primary structure.

(8) Box shaped exposed flat roofs, concrete, flat clay and barrel tile roofs are prohibited on all structures.

(9) Structures may have a hip, gambrel, or mansard roof. Dormers and cupolas are encouraged. Multiuser projects with multiple tenants may use breaks in the roof design to accentuate tenant separation. Roof proportion and pitch shall be relative to residential scale.

(10) All roof mounted equipment must be hidden from view. The roof must act as a parapet to screen mechanical equipment.

(11) Mansard roofs must be a minimum of 3 feet in height and a maximum of 8 feet in height. The pitch of a mansard roof may vary between 30 and 60 degrees.

(12) Multi-paned windows, or the appearance of multi-paned windows, such as one over one, two over two, or four over four patterns is encouraged.

(13) Trim shall be 4-6 inches at the corners of all windows and doors.

(14) The area of first story windows on street front elevations shall be at least twice the area of second story windows along the same side of the building.

2. *Design Objective – Building Mass.* The apparent scale of new commercial and civic developments shall be a human and residential scale.

a. *Standards.*

(1) The use of long blank walls is prohibited. The maximum allowable length of an uninterrupted building elevation is 25 feet. Visual interruptions to the planes of exterior walls shall be achieved through a combination of the following methods:

(a) Modulating building facades at depth of least 4 feet and a width of at least 8 feet.

(b) Prominent facades shall have no wall plane wider than 2.5 times the height of the wall plane.

(c) Provide a covered porch at the building entrances and sides. Porches are not required in the service areas of the building. Porches must have a depth of at least 8 feet and an area of at least 150 feet.

(2) Roof lines shall be interrupted every 50 feet with gable, hip, or dormer roof forms or a vertical shift of at least 5 feet.

(3) Walls of two story or more in height shall have breaks (i.e. canopy, molding, overhang, balcony, banding, or projections) approximately 10 feet above grade.

b. *Guidelines.*

(1) Avoid long, low wall planes

(2) Provide visual shifts in walls and roof surfaces.

3. *Design Objective – Non-vehicular pathways and pedestrian amenities.* Design buildings and developments that are intended for use by the general public with safe and attractive places for pedestrian, bicycle, and equestrian traffic including oriented features such as pedestrian walkways, trails and outdoor gathering places.

a. *Standards.*

(1) All development projects shall provide pathways or trails allowing safe passage. Development projects encompassing more than ten acres should include an outdoor gathering place such as a courtyard, plaza or covered area with seating.

(2) Outdoor gathering places shall be accessible to the pedestrian and equestrian.

(3) All development projects regardless of size shall provide pedestrian access internally and connectivity to adjacent development.

b. *Guidelines.*

(1) Provide shade either with trees or covering for outdoor gathering places.

(2) Mechanical and Waste Screening shall be employed to mask objectionable areas from public view. Concrete walls are prohibited as the primary screening mechanism unless the concrete wall is shielded by landscaping materials on at least three (3) sides.

C. *Color and Material Design.*

1. *Design Objective – Color.* Utilize natural colors that reflected in the approved color palette.

a. *Standards.*

(1) Facade colors shall not be used to identify specific tenants as typified by national corporate fast food restaurants and gasoline stations.

(2) Earth tone colors shall be used for masonry building materials.

(3) Typically, no more than three colors shall be used on one building, however, additional trim colors may be considered if they are a close shade of one of the other three colors.

b. *Guidelines.*

(1) The use of natural wood is encouraged over painting the wood or simulated wood material.

(2) Major architectural trim or details shall complement the main building's base color. Color is normally applied to major architectural trim and details such as window trim, corner siding trim, doors and door frames, knee bracing, and columns.

(3) Minor architectural details shall be highlighted with minor accent color that complements base and major trim color. Minor accent color is normally applied to window sash, doors, storefront frames and small architectural elements.

(4) Murals may be used on building facades and are encouraged to reflect the history or natural landscape of Loxahatchee Groves.

(5) Tinting may be used as an accessory element to a permitted window treatment.

(7) The base color of the main building or a complementary major accent color shall be used for metal roofs.

(8) The use of bold or primary colors for the main body of buildings shall be avoided.

2. *Design Objective – Exterior Building Materials.* Utilize natural materials such as stone, wood, heavy timbers, rough cut lumber or brick as exterior building materials.

a. *Standards.*

(1) Exterior Cladding shall be Stone, Wood textured concrete horizontal lap siding, Wood textured concrete simulated board and batten, Wood horizontal lap siding, Wood Board and Batten, Textured concrete block, brick or materials which simulate the appearance of those materials.

(2) Roof cladding shall be Raised seam metal, composite shake, Corrugated sheet metal, slate tile, or composition roofing shall be used for roof materials.

(3) Window and building trim shall be wood or have the appearance of wood.

(4) Posts or columns shall be wood, concrete with simulated wood texture, rock, stone, or made of materials that mimic or simulate the appearance of the natural materials. Decorative, ornate, or steel columns will have to be specifically approved and determined to be compatible with the overall architectural design and intent of these standards and guidelines.

(5) Porch railings should be wood or have the appearance of wood.

b. Guidelines.

(1) Encourage the use of native stone or brick as an accent.

(2) Building materials used for site features such as fences, and screen walls shall complement a primary on-site structure that conforms to these design standards.

(3) Utilize exterior building materials that simulate natural building materials.

D. Landscaping and Planting Design.

1. *Design Objective – Native Vegetation Screening and Perimeter Buffers.* The retention of native vegetation and significant trees is necessary to preserve and enhance the visual appearance of Loxahatchee Groves. Retaining native vegetation on a development site also supports various environmental systems and provides a better transition between permitted land uses. The retention or replanting of native vegetation is required for all projects. The following standards are intended to supplement the Tree Conservation and Landscape Standards in Chapter 87 .

a. Standards.

(1) Native vegetative screening shall be retained between rural development and roadway. The depth of screening buffers shall be

determined by evaluating the quality and quantity of natural vegetation that is available on the site together with intensity of the proposed use. In no case shall the screen buffer be less than 50 feet wide on projects encompassing more than 5 acres in size and 35 feet wide on projects on 5 acres or less . Supplemental plantings shall be provided when existing native plantings do not provide a complete visual screen.

(2) The native vegetation screening requirements in this Section must provide and maintain a dense screen. Where existing vegetation does not provide adequate screening, additional native plantings may be required. The vegetative screen may only be broken at points of vehicular or pedestrian access.

b. *Guidelines.*

- (1) Setback areas shall be retained in native vegetation where feasible and supplemented by planted native species where native vegetation is sparse or nonexistent.
- (2) Tree retention in clusters is a higher priority than tree retention in lineal strips.
- (3) Regimented parking lots with landscaping limited to a certain number of cars does not create a rural feeling or enhance the rural character of the project.
- (4) More innovative parking areas are needed to avoid the feeling of a sea of cars. Maintenance of existing native tree canopy and liberal use of shrubbery and parking screens, including consideration of parking in the rear rather than the front of the project is encouraged.

Definitions

1. Hip Roof- roof that slopes upward from all sides of a structure, having no vertical ends. The hip is the external angle at which adjacent sloping sides of a roof meet. The degree of such an angle is referred to as the hip bevel. The triangular sloping surface formed by hips that meet at a roof's ridge is called a hip end. A pyramidal hipped roof, also known as pavilion roof, is hipped equally at all

corners and the hips meet at a single peak, but the more common form of hip roof is above a rectangular structure, where a roof ridge meets two hips at either end.

2. Gable Roof - Gable, triangular section of wall at the end of a pitched roof, extending from the eaves to the peak.
3. Gambrel Roof - The gambrel roof is a type of gable roof with two slopes on each side, the upper being less steep than the lower. The mansard roof is a hipped gambrel roof, thus having two slopes on every side
4. Mansard Roof - type of roof having two slopes on every side, the lower slope being considerably steeper than the upper. In cross section the straight-sided mansard can appear like a gambrel roof, but it differs from the gambrel by displaying the same profile on all sides.
5. Outdoor Gathering Place – is any place designed for people to gather and meet, eat or recreate together.

6.

DRAFT

Loxahatchee Groves

Rural Vista Committee



**Guidelines for
Loxahatchee Groves'
Non-Residential
Projects**

Loxahatchee Groves Landowners Association

RURAL VISTA COMMITTEE

Doreen Baxter
Rob Crawford
Dennis Lipp
Rita Miller
Jerry Sacoulas

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Rural Vista

Loxahatchee Groves.

This community has endured for nearly a century. Protecting the lifestyle in areas designated rural residential encompasses protecting watersheds and water supplies; wilderness and scenic areas; conservation areas and wildlife. Our rural/residential neighborhood accepts a variety of activities and land-uses that require non-urban locations. Non-residential projects should share our definition and keep development in line with neighborhood goals.

The following is a list of ideas, ideals and descriptions that define the rural nature of Loxahatchee Groves.

UNIQUE IDENTITY:

A live and let live attitude pertains to the way we treat our neighbors as well as the native tree canopy and eco-system. Our one/two lane dirt roads help preserve the agricultural/residential identity.

UNITY:

We all moved here for the same reason - ITS RURAL ! Loxahatchee Groves provides a transition of land uses from eastern urban sprawl and congestion, to western agricultural and conservation areas.

SECURITY & PRIVACY:

Loxahatchee Groves' population density of one family unit per 5 or 10 acres results in fewer cars and less traffic. Our one/two lane dirt roads discourage non-resident visitors. Our community is a refuge from the hectic urban east. We have the only Nudist Camp, Sun Sport, in the county.

INDEPENDENT:

Loxahatchee Groves does not provide traditional city government. Fewer services, i.e sewer & water, keep taxes down.

HISTORY:

Loxahatchee is Seminole and means "Turtle Creek". Settled by pioneers in 1917, our rural/ country lifestyle has endured.

VARIETY:

The variety of activities that diversify our community include: equestrian; farming; animal husbandry; gardening; fishing; bird watching; nature trails; small home-based businesses; aviaries; and arts & crafts studios.

VISION

The essential foundation of beauty in Loxahatchee Groves is harmony with nature and the preservation of the native tree canopy. It is the intent of this committee to achieve a pleasant and unified character in our (non-residential) development. Non-residential enterprises in Loxahatchee Groves must meet the standards set by the residents and serve the needs of the neighborhood.

MISSION

Maintaining rural character, balance of land use and lifestyle are some of the goals of the Loxahatchee Groves Land-owners Association (L. G. L. A.). In order to help preserve and define our rural character, the L.G.L.A. established the Rural Vista Committee. If development occurs, the residents of Loxahatchee Groves would like to see well-planned, thoughtful design concepts that will maintain our rural nature.

SCOPE

All proposed non-residential development within Loxahatchee Groves will be evaluated for compatibility and consistency with rural character as defined herein. The Rural Vista Committee determines if the intentions of the developer are actually achieved in the proposed project. The developer's deed to the land upon which the project will be constructed shall be restricted solely to building the project which has been approved by the Rural Vista Committee.

DEVELOPMENT AND DESIGN STANDARDS:

It is our desire that non-residential projects serve the needs of the immediate neighborhood. Developments of regional impact (D. R. I.'s) such as warehouse distribution centers, truck stops, amusement parks, department stores, etc. are not acceptable in Loxahatchee Groves. We wish to promote a lifestyle which reflects rural character. All projects shall have a similar architectural treatment on all sides. Planning projects around the existing tree canopy will preserve the natural beauty of this eco-system. Building designs should be residential in scale and reflect rural character, such as, Colonial, Victorian, Farmhouse, Rustic and Bungalow (see Appendix A). Pedestrian amenities such as walkways, porches, benches and boardwalk's are desirable features in any proposed project. These amenities will provide a common thread that will define Loxahatchee Groves' southern boundary.

Projects with Rural Character



Projects with Rural Character



Projects with Rural Character



Projects with Rural Character



Exteriors

DESIGN DETAILS & BUILDING MATERIALS:

Acceptable materials include finished wood (painted or stained) or materials which have a wood appearance such as, cement based fiberglass wood textured products (Hardiplank[®]); brick or brick veneer; and wood textured metal siding. Other approved materials are stone and tinted textured concrete masonry (Cemplank[®]). All wood exposed to the weather shall be of high quality and properly finished to prevent rotting. Siding pattern may be rough or smooth horizontal planks, 6 in. Lap siding, shingles or vertical board and batten. Trim shall be 4" or 6" at the corners, windows and doors. Large walls or walls of 2 story height shall have breaks (i.e. canopy, molding, overhang, balcony, banding or projections) approximate 10 feet above grade. Non-residential projects must be built to human and residential scale.

HUMAN SCALE is a structure's proportions that relates directly to its use by a person, i.e. door size, etc.

RESIDENTIAL SCALE is the use of materials, proportions and massing of a structure that is used in traditional housing.

The following photographs are examples of design details that the Rural Vista Committee endorses. Use of these in non-residential developments in Loxahatchee Groves is encouraged.



Wood textured concrete siding, *Hardiplank[®]*, is being used extensively in commercial developments. It comes in a variety of configurations.



If concrete block is the choice for the exterior finish, use pre-formed textured block, NO-STUCCO.



Stone



Brick



Horizontal Lap Cedar

Roofs & Roofing Materials

All structures shall have either a hip, gambrel, mansard, a.k.a. hip on deck roof, (See Appendix C). Dormers and Cupolas are encouraged. When designing small, multiuser projects, distinguishing one business from the next can be accomplished with breaks in the roof design. Roof proportion and pitch shall be relative to Residential Scale. Hip on Deck roofs must be a minimum height of 3 feet to a maximum of 8 feet. The pitch of the Hip on Deck roof may vary between 30° to 60°. Roof mounted equipment must be hidden from view. The roof must work as a parapet to screen mechanicals. Acceptable roofing materials include: metal shingle; standing seam sheet metal; corrugated sheet metal; 5-V crimp metal and copper. Metal roofs may be unpainted or painted (a color approved by the Rural Vista Committee - see Appendix B: Color Chart). Box-shaped exposed flat roofs, concrete, flat clay and barrel tile roofs are not permitted.



The roofs on these structures are examples of Hip on Deck roof styles.



Adding dormers and changing the roof line adds character to buildings.



Combination Gambrel & Mansard with Cupolas & Dormers

Roofs & Roofing Materials



Breaking up the roof-line adds to the charm of these buildings.



Hip on Deck



Metal Shingle



Corrugated



Copper Shingle



5V Crimp



Metal Shingle



Standing Seam Sheet Metal



Standing Seam Sheet Metal

Porches & Entryways

Entryways should be well defined with porches and railings. Porches must be a minimum of 8 ft. deep and of at least 150 square feet. Wooden railings with wood or wood textured, stone or brick columns provide continuity between projects and promote rural character. Porches with railings emphasize a building's entryway, inviting customers to come in. Porches also serve as a welcome refuge from sun and rain.



Screening

SCREENING means the total (100%) masking out or concealing of any objectionable area. To achieve this, project developers can use fences with vegetation, planted mounds of earth or vegetation alone. The appearance achieved must be complementary to the whole. Concrete walls are prohibited due to their imposing, unfriendly nature.

MECHANICAL & WASTE SCREENING:

Screening shall be employed to mask objectionable areas from public view whether freestanding or mounted on roofs or walls, outside equipment of unaesthetic character and accessory buildings or areas not enhancing or in keeping with the aesthetics of the project or neighborhood. Screening of air conditioning units and other mechanical equipment shall be accomplished in a manner that does not interfere with proper operation and/or maintenance of such equipment. Screening from view shall be on all sides and exceed the vertical height of the object by at least 6 inches. Equipment needing screening includes, but is not limited to: Storage areas, garbage or rubbish collection sites, dumpsters, air conditioning compressors, pool pumps, sprinkler pumps, electrical transformers, satellite dishes, antennas, compressors, generators, tanks, etc. Waste disposal areas shall not be located within 50 ft of any residential property.



Dumpster Shed

PROPERTY SCREENS:

Buffering the rear of the project from the neighborhood can be accomplished with natural vegetation, berms and fences (no walls). Visual barriers between projects would interrupt the continuity of the landscape and are unacceptable.

Signs

Decorative signs with raised lettering and/or with carved images are preferred. Low profile monument type signs are allowed with a maximum size of 50" high by 96" wide. Lighting of the sign will be with shielded direct lighting or "task" lighting, no neon signs. Billboard signs, bifold sandwich boards, posters on stakes and other types of temporary signage must be removed after business hours. The use of high-intensity, metallic, or fluorescent colors is prohibited. Backlit, Plexiglas signs of any type are not allowed. No advertising will be allowed on any exposed amenity or facility such as benches and trash containers. All signs, free standing or attached to building surfaces shall enhance rural design and character.



Lighting

Aesthetic exterior lighting may be used to illuminate a building and its grounds for safety purposes. Lighting is not to be used as a form of advertising in a manner that is not compatible to the neighborhood or in a manner that draws considerably more attention to the building or grounds at night than in the day. Lights that following the form of the building or part of the building will not be allowed if the overall effect will be garish or detrimental to the environment.

Parking lot lighting on polls shall not exceed 20 feet. All exterior lighting must direct downward and be blinded to contain light within the project as much as possible.



Flag Pole Light



Pathway Light



Parking

Parking must be configured to incorporate and preserve the maximum amount of existing native vegetation for shading and screening. Restricting the number of parking spaces and the liberal use of tree wells will aid in tree preservation. Serpentine, angled parking is preferred and can be planned around existing native vegetation. Limited grass parking as well as parking shared between projects will help to maintain our greenspace. Curbs or landscape timbers are required. Landscape brick, paver stone, grass block or stamped concrete, pedestrian walkways, benches, etc., should be incorporated into the design of the project.

The proposed non-residential buildings should comply with the following standards:

- No more than 2 rows of parking should be provided between the building and the roadway, and all additional parking spaces should be provided to the rear or side of the building;
- Encourage the use of trees and shrubs where applicable;
- To have maximum on-site tree preservation, the number of parking spaces shall be restricted to the minimum allowed for the use. (See pg. 4, **SCOPE**); and
- All parking lots and vehicular use areas shall be screened from all abutting residential properties with a landscaped fence, hedge or other durable vegetative landscape barrier.



Preserving the native tree canopy and providing places for cars to park is challenging. Although the grade of this parking area is higher than it was originally, thoughtful use of barriers have managed to keep portions of the parking area shaded with native old growth trees.



Liberal Use of Shrubbery & Trees

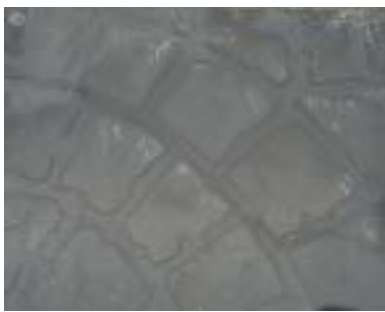


Parking Screens

Parking and Pavers



Colored Pavers to Mark Parking Places



Stamped Concrete



Brick Pavers



Shaped Pattern Pavers



Grass Block

Non-Vehicular Pathways and Pedestrian Amenities

NON-VEHICULAR PATHWAYS:

For reasons of ecology and the preservation of community values, non-residential developers are to provide safe and attractive places for pedestrian, bicycle and equestrian traffic. Landscaped vistas and pedestrian amenities must be incorporated into each project. Roofed and landscaped bus stops, benches, fountains, etc., reflecting rural character shall be integrated into the pedestrian paths to the rear of each project as well as in front along the access road north of Southern Blvd. Oak, Pine and other native canopy trees shall be used in a natural pattern to landscape these paths at 4 trees to every 30 ft. In order to encourage safe non-vehicular travel, a pedestrian activated signal should be installed where warranted. All non-vehicular crossings should be well marked with advance warning signs and painted striping of the road pavement per County specification. Proper signage should be installed to emphasize speed limits and caution for pedestrian, bicycle and equestrian traffic. The pathway should have minimal negative impact in terms of environmental disturbance.



Bike Rack



Bus Stop



Drinking Fountain



Fountain



Tree Box-Bench

Landscaping

Non-residential projects shall incorporate the existing vegetation into their design. Natural looking landscaped berms may be used for buffers where existing trees will not be disturbed. Foundation plants or grade level planters shall be provided along the front and sides of all structures. Trees must be planted in natural groupings, avoiding straight lines. Trees must be: #1 Preserved in place; #2 Relocated on site and #3 Replaced. Palm trees will not substitute for canopy trees since they do not provide the appearance and shade. Native canopy, under story, and groundcover landscape buffers between non-residential projects in Loxahatchee Groves are required and shall have 50 ft at minimum on the sides and 100 ft in the rear. Projects must be 100% opaque screened from residential properties using landscaping, landscaped fences or berms. The finished side of fences must face residential property. Installation of native tree canopy and under story is required where none exists to provide continuity between projects.



Tree Well

Trees and vegetation are credited with the following attributes: carbon dioxide absorption; oxygen production; dust filtration; wind and noise reduction; soil erosion prevention; beach erosion protection; wildlife habitat; surface drainage improvement; beautification and aesthetic enhancement of improved and vacant lands and the general promotion of the health, safety, welfare and well-being of the community.



Parking & Property Screens

Landscaping & Setbacks



The native trees and undergrowth next to this fast food restaurant have been preserved. (See Appendix D for a listing of plants native to southern Florida.)

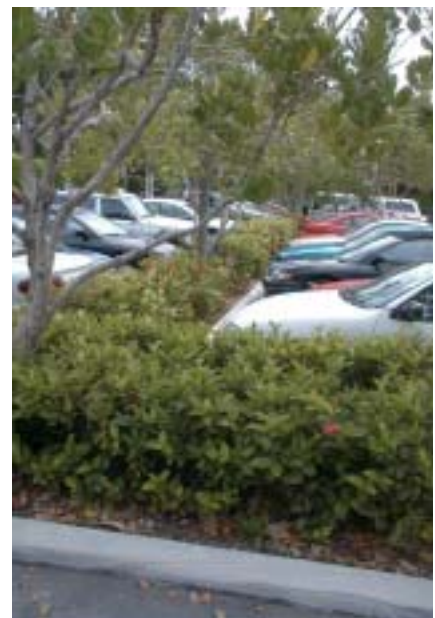


The use of landscape timbers forms a rustic barrier between the paved and native growth areas.



SETBACKS:

To ensure a vibrant pedestrian-oriented business area, the aim is to cluster and front projects closer to Southern Blvd at the access road. The rear of the property will allow for a linked greenway system connecting each project. Conservation of the native tree canopy and understory is our primary concern.



Vegetation within parking areas should not obstruct a driver's vision.

“Unacceptable’s”

The following pictures are of design elements that the Rural Vista Committee would not like to see in our community.



Long, thin windows or “Ribbon Windows”



Towers.



Arches and long colonades



Barrel Tiles



Uninteresting Roof Line
Individuality of the stores is lost.



Backlit plexiglass signs



Flat Roofs



Unshielded lighting is distrubing to neighboring homes.



Unacceptable Hip on Deck
Too Tall



Screening Needed



Too Contemporary

Appendix A

This appendix contains examples of Colonial, Country, Bungalow, Farmhouse, Victorian and Rustic.



Colonial



Country



Bungalow



Farmhouse



Victorian



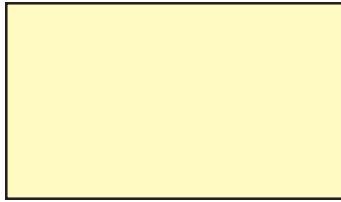
Rustic

Appendix B

Colors



Pantone 1215 CVP



Pantone 608 CVP



Pantone 600 CVP



Pantone 155 CVP



Pantone Grey 6 CVP



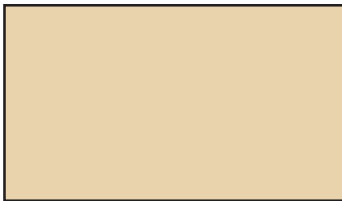
Pantone Grey 4 CVP



Pantone Gray 1 CVP



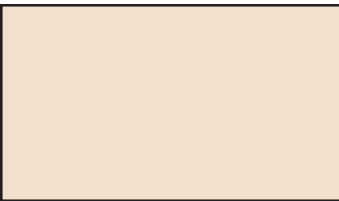
Pantone 454 CVP



Pantone 467 CVP



Pantone 4665 CVP



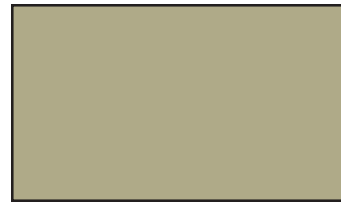
Pantone 4685 CVP



Pantone 615 CVP



Pantone 105 CVP



Pantone 451 CVP



Pantone 3975 CVP



Pantone 3985 CVP



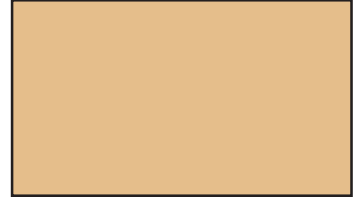
Pantone 4515 CVP



Pantone 4535 CVP



Pantone 4545 CVP



Pantone 728 CVP



Pantone 712 CVP



Pantone 5773 CVP



Pantone 5803 CVP



Pantone 5777



Pantone 5797 CVP



Pantone 730 CVP



Pantone 726 CVP



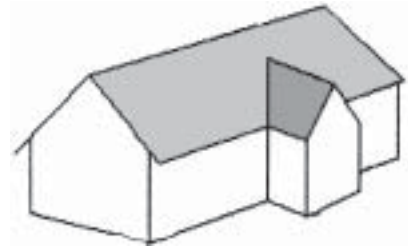
Pantone 722 CVP

Appendix C

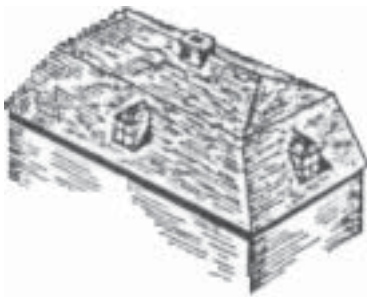
Examples of roof designs: Hip, Gable, Gambrel, Mansard, Hip on Deck.



Gambrel



Gable



Mansard



Hip



Hip on Deck

Appendix D

VEGETATION NATIVE TO SOUTH FLORIDA

LARGE TREES

Greater than 30' at maturity.
30' setback from power lines

<u>Common/Botanical Name</u>	<u>Height</u>
Red Maple / <i>Acer rubrum</i>	35' - 50'
Gumbo Limbo / <i>Bursera simaruba</i>	40' - 60'
Pecan / <i>Carya illoinensis</i>	80' - 90'
Hackberry/Sugarberry / <i>Celtis laevigata</i>	60' - 80'
Satinleaf / <i>Chrysophyllum oliviforme</i>	30' - 40'
Green Buttonwood / <i>Conocarpus erectus</i>	30' - 50'
Strangler Fig / <i>Ficus aurea</i>	40' - 50'
Shortleaf Fig / <i>Ficus citrifolia</i>	40' - 50'
Loblolly Bay / <i>Gordonia lasianthus</i>	30' - 40'
Blolly / <i>Guapira discolor</i>	35' - 50'
American Holly / <i>Ilex opaca</i>	40' - 50'
Jacaranda / <i>Jacaranda acutifolia</i>	40' - 50'
Black Walnut / <i>Juglans nigra</i>	60' - 70'
Southern Red Cedar / <i>Juniperus silicicola</i>	30' - 40'
Sweet Gum / <i>Liquidambar styraciflua</i>	70' - 80'
Tuliptree/Tulip Polpar / <i>Liriodendron tulipifera</i>	70' - 80'
Wild Tamarind / <i>Lysiloma bahamensis</i>	40' - 50'
Southern Magnolia / <i>Magnolia grandiflora</i>	60' - 80'
Sweetbay Magnolia / <i>Magnolia virginiana</i>	40' - 60'
Mastic Tree / <i>Masticodendron foetidisissimum</i>	45' - 70'
Red Mulberry / <i>Morus rubra</i>	40' - 50'
Black Gum/Tupelo / <i>Nyssa sylvatica</i>	50' - 90'
Redbay / <i>Persea borbonia</i>	50' - 60'
Slash Pine / <i>Pinus elliotii</i> var. "densa"	80' - 90'
North Florida Slash Pine / <i>Pinus elliotii</i> var. <i>elliottii</i>	80' - 90'
Spruce Pine / <i>Pinus glabra</i>	80' - 90'
Longleaf Pine / <i>Pinus palustris</i>	80' - 90'
Loblolly Pine / <i>Pinus taeda</i>	80' - 90'
Jamaican Dogwood / <i>Piscidia piscipula</i>	35' - 50'
Sycamore / <i>Platanus occidentalis</i>	90' - 95'
Cherry Laurel / <i>Prunus caroliniana</i>	30' - 40'
Laurel Oak / <i>Quercus laurifolia</i>	60' - 80'
Shumard Oak / <i>Quercus shumardii</i>	90' - 95'
Live Oak / <i>Quercus virginiana</i>	50' - 60'
Coastal Plain Willow / <i>Salix caroliniana</i>	30' - 40'
Paradise Tree / <i>Simarouba glauca</i>	35' - 50'
West Indian Mahogany / <i>Swietenia mahagoni</i>	35' - 60'
Bald Cypress / <i>Taxodium distichum</i>	40' - 90'
Florida Basswood/FL Linden / <i>Tilia floridiana</i>	30' - 70'
Winged Elm / <i>Ulmus alata</i>	65' - 75'
Florida Elm / <i>Ulmus americana</i> var. <i>floridana</i>	45' - 50'

MEDIUM TREES

20' to 30' in height at maturity
20' setback from powerlines

<u>Common/Botanical Name</u>	<u>Height</u>
Serviceberry/Shadbush / <i>Amelanchier arborea</i>	20' - 30'
Pitch Apple / <i>Clusia rosea</i>	25' - 30'
Hop Hornbeam / <i>Carpinus caroliniana</i>	25' - 30'
Redbud / <i>Cercis canadensis</i>	25' - 30'
White Fringe Tree / <i>Chionanthus virginicus</i>	20' - 25'
Pigeon Plum / <i>Coccoloba diversifolia</i>	25' - 30'
Seagrape / <i>Coccoloba uvifera</i>	20' - 30'
Flowering Dogwood / <i>Cornus florida</i>	25' - 30'
East Palatka Holly / <i>Ilex x attenuata</i>	20' - 30'
Dahoon Holly / <i>Ilex cassine</i>	25' - 30'
Yaupon Holly / <i>Ilex vomitoria</i>	25' - 30'
Black Ironwood / <i>Krugiodendron ferreum</i>	20' - 30'
Chickasaw Plum / <i>Prunus angustifolia</i>	20' - 25'
Bluejack Oak / <i>Quercus Incana</i>	20' - 30'
Drake Elm / <i>Ulmus parvifolia</i> 'Drake'	20' - 30'

SMALL TREES

Less than 20' high at maturity
Can be planted adjacent to power lines.

<u>Common/Botanical Name</u>	<u>Height</u>
Sweet Acacia / <i>Acacia farnesiana</i>	10' - 15'
Silver Buttonwood / <i>Conocarpus erectus</i> var. 'sericeus'	15' - 20'
Orange Geiger / <i>Cordia sebestena</i>	15' - 20'
Hawthorn / <i>Crataegus</i> spp.	15' - 20'
Coral Bean / <i>Erythrina</i> spp.	15' - 20'
Stoppers / <i>Eugenia</i> spp.	15' - 20'
Lignum Vitae / <i>Guaiacum sanctum</i>	15' - 20'
Witch Hazel / <i>Hamamelis virginiana</i>	15' - 20'
Flowering Crabapple / <i>Malus</i> spp.	15' - 20'
Wax Myrtle / <i>Myrica cerifera</i>	15' - 20'

LARGE PALMS

Greater than 20' at maturity

<u>Common/Botanical Name</u>	<u>Height</u>	<u>Fron</u>
Paurotis/Everglades Palm / <i>Acoelorrhaphe wrightii</i>	15' - 25'	5'
Royal Palm / <i>Roystonea regia</i>	50' - 70'	15'
Cabbage/Sabal Palm / <i>Sabal Palmetto</i>	45' - 70'	7'

SMALL PALMS

Less than 20' height at maturity

<u>Common/Botanical Name</u>	<u>Height</u>
Silver Palm / <i>Coccothrinax argentata</i>	15' - 20'
Needle Palm / <i>Rhapidophyllum hystrix</i>	5' - 10'
Dwarf Palmetto / <i>Sabal Minor</i>	10' - 15'
Saw Palmetto / <i>Serenoa repens</i>	10' - 15'
Thatch Palm / <i>Thrinax</i> spp.	15' - 20'

Appendix E

Acceptable Businesses

Businesses which could be developed on the Southern Blvd corridor which would not require sewer and water.

Retail

convenience store(w/o gas)
 restaurants (no fast food)
 florist
 video rental
 gourmet food store
 sports equipment
 coin shop
 gift shop
 auto parts
 accessories
 shoe store
 antiques
 music store
 kitchen appliances
 computer sales
 clothing store
 jewelers
 bicycle shop
 book store
 feed store
 hardware store
 bait & tackle
 office supplies
 craft/art supplies
 gun shop and range

Services

banks
 day care center
 travel agent
 realtor
 fitness center
 accountant
 insurance
 financial services
 title company
 doctor's office
 optometrist
 chiropractic office
 orthopedic clinic
 veterinarian
 tailor
 printer
 copy service
 shoe repair
 photo studio
 dance studio
 family counselor
 lawyer

Other

post office
 business office
 architect
 artist studio
 non profit organization
 newspaper office
 governmental office

Appendix F

Materials

EXTERIOR CLADDING:

Stone
 Wood textured concrete horizontal lap siding
 Wood textured concrete simulated board and batten
 Wood horizontal lap siding
 Cedar
 Pine
 PT Pine

Wood Board and Batten
 Textured Concrete Block (No Stucco)
 Brick

WINDOW AND BUILDING TRIM:

4" or 6" Pine
 4" or 6" Cedar
 4" or 6" PT Pine

ROOF CLADDING:

5V Crimp Sheet Metal
 Corrugated Sheet Metal
 Metal Shingle
 Galvanized Steel
 Copper
 Standing Seam Sheet Metal

OUTSIDE LIGHTING:



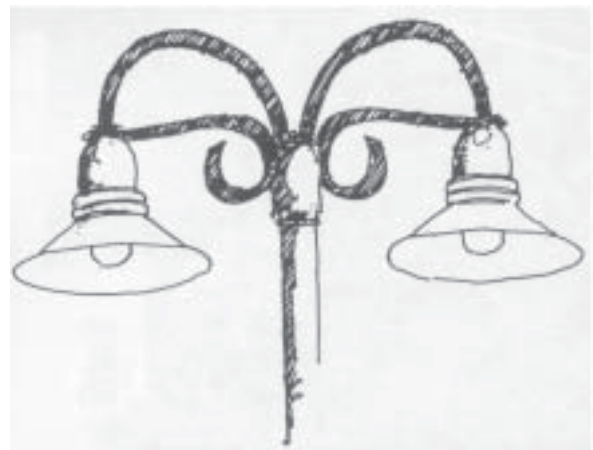
Street Lighting

POSTS OR COLUMNS:

4" x 4", 6" x 6", 8" x 8", 10" x 10", 12" x 12"
 PT Pine
 Pine
 Cedar
 Concrete with simulated wood texture.

Porch Railings:

Wooden
 Height of 42"



Street Lighting
 Dual Lamps



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council

FROM: Community Standards Department

VIA: Francine Ramaglia, Town Manager

DATE: May 13, 2025

SUBJECT: Discussion on Status of the Recreational Vehicle Ordinance

Background:

Staff would like to report observations made during the inspections of recreational vehicles per the recently adopted ordinance.

Recommendation:

Discuss and provide staff with direction for any changes desired for next year's program and possibly establish an ad-hoc committee to assist with grey water and other environmental matters, such as, but not limited to, solid waste disposal.



155 F Road Loxahatchee Groves, FL 33470

TO: Mayor and Town Council
FROM: Caryn Gardner-Young, Community Services Director
THRU: Francine Ramaglia, Town Manager
DATE: May 13, 2025
SUBJECT: Discussion on Upcoming Planning and Zoning Petitions

Background:

To continue with the Town of Loxahatchee Groves' transparency policy, below is the tentative public hearing schedule for planning and zoning petitions for the next Town Council meeting

June 3, 2025 - Town Council

Building Height Zoning Text Amendment -first reading (KAITLYN)

Rural Vista Design Standards and Guidelines – Discussion item (JEFF)

Recommendations:

For your information