

**TOWN OF LOXAHATCHEE GROVES**  
TOWN HALL COUNCIL CHAMBERS  
**TOWN COUNCIL WORKSHOP/SPECIAL MEETING**

**Community Discussion Meeting 6:00-6:30 PM (Non-Agenda Items Workshop)**

**AGENDA**

**OCTOBER 18, 2022, 6:30 -9:30 P.M.**



**Robert Shorr, Mayor (Seat 4)**

**Phillis Maniglia, Council member (Seat 1)**

**Laura Danowski, Vice Mayor (Seat 2)**

**Marianne Miles, Councilmember (Seat 3)**

**Margaret Herzog, Councilmember (Seat 5)**

**Administration**

Town Manager, Francine L. Ramaglia

Town Attorney, Elizabeth Lenihan, Esq.

Town Clerk, Lakisha Q. Burch

Public Works Director, Larry A. Peters, P.E.

**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 6:00 PM day of the meeting. Comments received will be "received and filed" to be acknowledged as part of the official public record for the meeting. The Town Council meeting will be live-streamed and close-captioned for the general public via our website, instructions are posted there.

### **PRESENTATION AND DISCUSSION**

1. Discussion of extending hours for Piquet Entertainment and Racetrack owned by Lantana Holdings, LLC, currently known as "Paintball" is having a Halloween Party and would like to extend hours 1:00 a.m.

### **CONSENT AGENDA**

2. Approval of Meeting Minutes.
  - a. 08 30 22 Initial Selection Audit Committee Meeting
  - b. 09 27 22 Special Final Budget Hearing
  - c. 10 03 22 Attorney Client Closed Session Meeting Minutes
3. Consideration of **Resolution No. 2022-74** appointment of Cassie Suchy to the Finance Audit and Advisory Committee (FAAC).

### **PUBLIC HEARING**

4. Consideration of **Resolution No. 2022-69** approving the Culvers Sign Variance, for land owned by Solar Sport Systems, Inc. consisting of 1.397 acres more or less, located on the north side of the north side of Southern Blvd. east of "B" Road, Loxahatchee Groves. (**Quasi-Judicial**)
5. Consideration of **Ordinance No. 2022-01** adopting on second reading the annual update to the Capital Improvements Element of the Comprehensive Plan consistent with Chapter 163, Florida Statutes.
6. Consideration of **Ordinance No. 2202-02** adopting on second reading calling for a referendum of the qualified electors of the Town of Loxahatchee Groves to be held on March 14, 2023, as to whether the Town of Loxahatchee Groves Charter shall be amended

in the following respect: amend paragraph (12) of Section 5 “Legislative of the Charter to provide for signature authority by the Mayor.

### **WORKSHOP AGENDA**

7. Discussion on scope and timing of State required Evaluation and Appraisal Report of Comprehensive Plan.
8. Discussion on sign code.
9. Discussion on the Veteran’s Day Ceremony.

### **TOWN STAFF COMMENTS**

**Town Manager**  
**Town Attorney**  
**Public Works Director**  
**Town Clerk**

### **TOWN COUNCILMEMBER COMMENTS**

**Phillis Maniglia (Seat 1)**  
**Marianne Miles (Seat 3)**  
**Margaret Herzog (Seat 5)**  
**Vice Mayor Laura Danowski (Seat 2)**  
**Mayor Robert Shorr (Seat 4)**

### **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.

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**Town of Loxahatchee Groves, Florida**  
**Town Council Agenda Item Report; Lantana Holdings, LLC**  
**Halloween Party Closing time Extension** **Agenda Item # 1**

**PREPARED BY:** Jim Fleischmann

October 18, 2022

**SUBJECT:** The proposed Piquet Entertainment and Race Track (Piquet), owned by Lantana Holdings, LLC, currently known as "Paintball" is having a Halloween Party.

**1. BACKGROUND/HISTORY**

**History:** Piquet is hosting a Halloween Party on Saturday, October 29<sup>th</sup> at the "Paintball" site on Southern Boulevard (Subject Site). A Category C Temporary Event Permit Application (Application) has been filed with the Town. An Outdoor Event may qualify for a Category C special exception approval (i.e. Administrative Review) as a Temporary Event provided that the applicant shall certify, by written affidavit on a form provided by the Town, that none of the following activities or facilities will occur on-site for a period exceeding 24 consecutive hours:

- (1) Signage advertising the event.
- (2) Temporary buildings, tents or similar structures erected for the event.
- (3) Electrical, plumbing or similar utility connections to be used during the event.
- (4) Portable sanitary facilities imported for use during the event.
- (5) Parking for event participants.
- (6) Trash and garbage shall be policed and removed daily.
- (7) Abutting property owners shall be notified of the event a minimum of 10 days in advance of the event.

The Applicant has submitted a written Temporary Event Affidavit which states that none of the above activities will occur on-site for a period exceeding 24 hours.

**Issue Statement:** The Application indicates that the event will be held from 6:00 p.m. to 1:00 a.m. However, ULDC Article 80 Section 80-025 (I) states that hours of operation of any event shall be limited to 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to midnight on Friday and Saturday. Any additional time shall require approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in Section 170-025(A) for Special Exceptions.

**Issue Resolution:** The review criteria in Section 170-025(A) are oriented to insuring that the proposed Temporary Event will not: (1) cause a detrimental impact to neighboring properties, including property value, noise, lights, vibrations, fumes, odors, dust or physical activities; and (2) will not have a detrimental effect on vehicular, pedestrian or equestrian traffic or parking conditions. In order to approve the proposed time extension, the Town Council should find that the additional hour of operation will not cause the above detrimental impacts or effects.

## **2. CURRENT ACTIVITY**

A Concept Plan, Entrance Sign and Aerial Photograph are included as Attachment 1. From the Aerial, the Subject Site is bordered on the south by Southern Boulevard, a 6-lane Principal Arterial road, on the east and north by an 86-acre farm and on the west by two 5-acre nurseries. The Event will be located in the center of the 20 acre parcel with property buffers to its north, east and west. The following Documents are in process and will be filed with the Town prior to the Event: Performance Bond, Certificate of Liability Insurance, Cleanup and Site Restoration Plan and Proof of Security.

## **3. STAFF RECOMMENDATION**

Staff has concluded that an additional hour of event time from Midnight to 1:00 a.m. will not cause detrimental impacts and effects. As a result, Staff recommends approval of the one hour time extension to 1:00 a.m. conditioned upon receipt of the above stated Documents in process.

## **4. ATTACHMENTS**

1. Concept Plan, Entrance Sign and Aerial Photograph



STAGE

VIP

LOUNGE

GA

BAR

ENTRANCE

VALET  
PARKING



A+C 6

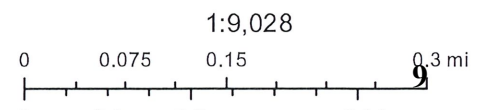




# Piquet Halloween Party Site



October 11, 2022





**Town of Loxahatchee Groves, Florida  
Town Council Agenda Item Report; Lantana Holdings, LLC  
Halloween Party Closing time Extension**

**PREPARED BY:** Jim Fleischmann

October 18, 2022

**SUBJECT:** The proposed Piquet Entertainment and Race Track (Piquet), owned by Lantana Holdings, LLC, currently known as "Paintball" is having a Halloween Party.

**1. BACKGROUND/HISTORY**

**History:** Piquet is hosting a Halloween Party on Saturday, October 29<sup>th</sup> at the "Paintball" site on Southern Boulevard (Subject Site). A Category C Temporary Event Permit Application (Application) has been filed with the Town. An Outdoor Event may qualify for a Category C special exception approval (i.e. Administrative Review) as a Temporary Event provided that the applicant shall certify, by written affidavit on a form provided by the Town, that none of the following activities or facilities will occur on-site for a period exceeding 24 consecutive hours:

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The Applicant has submitted a written Temporary Event Affidavit which states that none of the above activities will occur on-site for a period exceeding 24 hours.

**Issue Statement:** The Application indicates that the event will be held from 6:00 p.m. to 1:00 a.m. However, ULDC Article 80 Section 80-025 (I) states that hours of operation of any event shall be limited to 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to midnight on Friday and Saturday. Any additional time shall require approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in Section 170-025(A) for Special Exceptions.

**Issue Resolution:** The review criteria in Section 170-025(A) are oriented to insuring that the proposed Temporary Event will not: (1) cause a detrimental impact to neighboring properties, including property value, noise, lights, vibrations, fumes, odors, dust or physical activities; and (2) will not have a detrimental effect on vehicular, pedestrian or equestrian traffic or parking conditions. In order to approve the proposed time extension, the Town Council should find that the additional hour of operation will not cause the above detrimental impacts or effects.

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Staff has concluded that an additional hour of event time from Midnight to 1:00 a.m. will not cause detrimental impacts and effects. As a result, Staff recommends approval of the one hour time extension to 1:00 a.m. conditioned upon receipt of the above stated Documents in process.

## **4. ATTACHMENTS**

1. Concept Plan, Entrance Sign and Aerial Photograph

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155 F Road Loxahatchee Groves, FL 33470

**Agenda # 2**

**TO: Town Council of Town of Loxahatchee Groves**

**FROM: Lakisha Burch, Town Clerk**

**VIA: Francine Ramaglia, Town Manager**

**DATE: October 18, 2022**

**SUBJECT: Meeting Minutes**

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Staff recommends approval of the attached meeting minutes.



## **TOWN OF LOXAHATCHEE GROVES INITIAL SECTION AUDIT COMMITTEE MEETING**

**AUGUST 30, 2022**

*Meeting audio available in Town Clerk's Office*

### **CALL TO ORDER**

Mayor Shorr called the meeting to order at 6:07 p.m.

### **ROLL CALL**

Mayor Robert Shorr, Vice Mayor Laura Danowski, Councilmembers Phillis Maniglia, Marianne Miles, and Margaret Herzog, Town Manager Francine L. Ramaglia, and Town Clerk Lakisha Burch.

### **ANNOUNCEMENT FROM TOWN CLERK**

Town Clerk Burch announced that on August 17, 2022, at 11:38 a.m. that she and Jomekeyia McNeil who was there to witness the opening of the bids RFP 2022-01 regarding Auditing Services. Town Clerk Burch announced that there was only one bid received from Caballero Fierman Llerena Garcia, LLP for the annual auditing service for FYs ending September 30, 2022, ending September 30, 2024.

### **COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

There was public comment made by Virginia Standish.

### **DISCUSSION**

#### **1. Annual Audit Services FY 2022-2024**

Town Manager Ramaglia presented the item by stating that on July 26, 2022, we released this RFP, we put it on DemandStar, we advertised in the Palm Beach Post, we placed it on our website and we also did direct email to about 20 audit firms, we received one response which came from Caballero Fierman Llerena Garcia, LLP, the pricing on this is now \$ 37,200 for the financial statement and \$ 6,000 for the single audit for this current year. It will be \$ 39, 000 for the next year with \$ 6,500.00 for single audit and \$41,000 for the financial statement and \$ 7,000 for single audit in 2024. She stated that they were also asked to provide two alternative years of fees for the years of 2025 and 2026, and they did which are \$42,700 for financial statement with \$7,500 for a single audit and \$44,900 for financial statement and \$8,000 for single audit. Our current audit fees are \$24,200 for financial statement and \$4,500 for single audit, we have had the same firm since 2009, its good to change auditors and our current auditors are changing their business model towards more right up work and bookkeeping.

Councilmember Maniglia asked Town Manager Ramaglia is she suggesting that even though our auditors are a lot cheaper that they are not going to provide us with the services we need any longer. Town Manager Ramaglia responded that is correct and they did not propose on this so they can't be selected. Councilmember Maniglia then stated that we don't have a choice if we need an audit firm or do, we. Town Manager Ramaglia stated that this firm is not a bad firm, and they are a Broward firm, and they don't know the area that well due to their pictures they selected. Councilmember Maniglia asked why she feels we didn't get a lot of local business to join in the bid and where was bids sent out. Town Manager Ramaglia responded she has no idea, and they the bid went out on DemandStar, which is the premier place to do all your bids, went in the Palm Beach Post, on our website and did a direct mailing. She also stated she spoke with one firm, and they had an issue with scheduling.

Vice Mayor Danowski commented that we do audits so that an outside firm can come in and confirm, deny, or help us path our notes in a better way and this is something that happens every year. She also asked Town Manager Ramaglia why she thinks about the jump is pricing, does she feel it's a function in the economy, is it a higher end firm are we using a lower end firm. Town Manager Ramaglia responded that she feels that this is the same kind of firm that we are currently using, it is a local firm not nationally firm, she also stated that we have used our current firm for a very long time and they are a very lower priced firm, she also feels that we are very small and it may cost them more and she doesn't want to get in the head of a firm, she then continued to explain this history the Town has had with this firm. Vice Mayor Danowski then stated that if we say we don't want them and no one else applies, then we are going to have to hold our heads and come back and ask CFL to be our auditors, so can we just say, yes. Town Manager Ramaglia stated that is about it and she also stated that we did a direct mail, and she also contacted some folks.

Councilmember Maniglia asked is this something we could piggyback. Town Manager Ramaglia responded, no. Councilmember Maniglia stated that she actually like what they did, and they seem to be organized. Councilmember Maniglia stated and she asked to be corrected if she was wrong by asking if we had issues with our current auditors in regard to deadlines that was missed. Town Manager Ramaglia responded that we were a victim of scheduling and then continued to explain. There continued to be conversation among Councilmember Maniglia and Town Manager Ramaglia.

Councilmember Miles stated that she agrees that we need an auditing firm, but she does not like the fact that the price keeps climbing year after year. She then stated the price increase. Town Manager Ramaglia responded by saying that the good news is that it doesn't have to be for the full term because we only put this out for a 3-year term.

Councilmember Herzog asked did we know what any other firms would be charging. Town Manager Ramaglia responded no because we only had one proposal. Councilmember Herzog stated that she realized that but did not know if she knew the market.

Councilmember Maniglia then stated that \$24,200 was from our old firm but we have been with them a while so now we are a new customer, she wonders how compatible this company is.

Mayor Shorr asked what a single audit is, when do we do it and why. Town Manager Ramaglia responded that if we received over a certain amount of from the Federal government you have to do a single audit, then she explained about ARPA. Mayor Shorr then stated that if should go speak with the auditors about ARPA funding. She also stated that that we are asking them to come to the September 8th meeting. Mayor Shorr asked did they need to come to the September 8<sup>th</sup> meeting.

It was concluded by Council that they didn't need to attend the September 8<sup>th</sup> meeting. Vice Mayor Danowski asked in their proposal did they break down the hours they felt they would need. Town Manager Ramaglia responded by explaining the pricing that is in the proposal. There continued to be discussion regarding the pricing.

**Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to direct staff to negotiate a contract for audit services in accordance with the RFP and the response to RFP and to make sure that any ARPA funds are included in the base price; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

## **ADJOURNMENT**

There being no further business the meeting was adjourned at 6:28 p.m.

### **TOWN OF LOXAHATCHEE GROVES, FLORIDA**

ATTEST:

\_\_\_\_\_  
Lakisha Burch, Town Clerk

\_\_\_\_\_  
Mayor Robert Shorr

\_\_\_\_\_  
Vice Mayor Laura Danowski

\_\_\_\_\_  
Councilmember Marge Herzog

\_\_\_\_\_  
Council Member Marianne Miles

\_\_\_\_\_  
Council Member Phillis Maniglia



**TOWN OF LOXAHATCHEE GROVES**  
**TOWN COUNCIL SPECIAL MEETING – FINAL BUDGET HEARING**  
**SEPTEMBER 27, 2022**

*Meeting audio available in Town Clerk's Office*

**CALL TO ORDER**

Mayor Shorr called the meeting to order at 5:05 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Shorr led the Pledge of Allegiance.

**MOMENT OF SILENCE**

Mayor Shorr led a Moment of Silence.

**ROLL CALL**

Mayor Robert Shorr, Vice Mayor Laura Danowski, Councilmembers Phillis Maniglia, Marianne Miles, and Margaret Herzog, Town Manager Francine L. Ramaglia, Town Attorney Elizabeth Lenihan, Esq., Public Works Director Larry Peters, Assistant Public Works Director Mario Matos, and Town Clerk Lakisha Burch.

**ADDITIONS, DELETIONS AND MODIFICATIONS**

**Motion was made Councilmember Maniglia seconded by Councilmember Herzog to approve the agenda as is it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

**COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

There were no comments from the public.

**FINAL BUDGET AND PUBLIC HEARING**

1. Pursuant to F.S. 200.065(2)(d) & (e), the following announcement must be made:

Town Manager Ramaglia stated that the first public hearing on the proposed budget and the corresponding ad valorem millage rate in accordance with Florida Statutes Chapter 200.065 was held September 8, 2022. She stated that tonight is the final budget hearing for the millage and adoption of the budget. She also stated that the total taxable value of \$443,854,986.00 dollars we have a 3.000 millage rate which it has been the same as the past five (5) years however, although it is the same rate as in the prior year this proposed millage rate is 12.38% above the roll back rate of 2.6694 mills, the proposed millage rate of 3.00 produced tax revenue of \$ 1,331,565 which is an increase of \$171,062 however we are only allowed to budget 95% of that which is \$ 1,264,987 which is an increase of \$ 156,833 from last year. The total budget of this year is \$ 5.9 million excluding transfers between funds and maintains funding for existing levels of service. Town Manager Ramaglia stated that Town Council held budget workshops on August 23<sup>rd</sup>, 29<sup>th</sup> and 30<sup>th</sup> to discuss

the proposed operating and capital budgets which is \$ 2,178,000.00 million dollars and will be bringing forward the first reading of the Capital Improvement Plan (CIP) on October 4, 2022.

“The Town of Loxahatchee Groves, Florida’s rolled back rate is 2.6694 The percentage increase in property taxes for Fiscal Year 2022/2023 is 12.38% and the Town’s millage rate to be adopted is 3.0000 mills”.

- a. Approval of **Resolution No. 2022-67** adopting the final 2022-2023 millage rate.

**Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Resolution No. 2022-67 adopting the final 2022-2023 millage rate 3.00 mills; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

Councilmember Herzog asked was the Town’s reserves the 1,264,987. Town Manager Ramaglia responded that the \$ 1,264,987 dollars are our revenues and that our reserves were around \$ 800,000 dollars in general fund which is over 25%.

- b. Approval of **Resolution No. 2022-68** adopting the final 2022-2023 operating budget.

**Motion was made by Councilmember Maniglia seconded by Councilmember Miles to approve Resolution No. 2022-68 adopting the final 2022-2023 operating budget, including balances bought forward and related fiscal policies; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

Town Manager Ramaglia asked Town Council would be kind enough to put in public records that was discussed in the budget workshop for all employees except the Town Manager receive a 3% COLA on October 1<sup>st</sup>.

**Motion was made by Vice Mayor Danowski seconded by Councilmember Maniglia to approve the 3% COLA adjustment for all employees except the Town Manager that was agreed upon in the budget workshops; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.**

## TOWN STAFF COMMENTS

### Town Manager

Town Manager Ramaglia mentioned the storm that was coming, she also stated that a CODE RED would be going out with this information, she also stated that the schools and Town Hall would be closed tomorrow and until further notice and will continue to watch the storm. She also stated that she was scheduled off so Mr. Peters would be in charge, but she would be available.

### Town Attorney

No comment.

### Public Works Director

Mr. Peters stated that they are continuing to lower the water levels of the canals and monitoring them, and all Public Works also stated that all employees are on call. Mayor Shorr asked about Town Hall being opened on Thursday and Town Manager Ramaglia responded that we will be waiting to see what happens with the storm. Councilmember Herzog asked what is happening with

the water levels of canals, doesn't seem to be showing that they are dropped, they are still at up to the high grass level because normally when you drop it, there is a baroness with no grass. Mr. Peters responded that they are dropping it slowly, so it doesn't wash the banks out as it flows out. Councilmember Herzog asked when was this started. Mr. Peters responded Friday. Vice Mayor Danowski stated that we have to follow the schedule and requirements by South Florida Water Management that allows other systems to our north to drain. Mr. Peters responded that is correct, and that we have 8,000 acres of land out there that sheet flowing into our canal system as quickly as we lower it. Town Manager Ramaglia also stated that we have heard from the County Commissioner, the District Commander, the Village of Wellington, and Indian Trail if there is anything that we need.

**Town Clerk**

Town Clerk Burch thanked the Council for coming in for the Special meeting and apologize for the inconvenience.

**TOWN COUNCILMEMBER COMMENTS**

**Margaret Herzog (Seat 5)**

Councilmember Herzog commented for all to stay safe.

**Phillis Maniglia (Seat 1)**

Councilmember Maniglia commented to stay safe.

**Marianne Miles (Seat 3)**

Councilmember Miles commented thank you and stay safe.

**Vice Mayor Laura Danowski (Seat 2)**

Vice Mayor Danowski commented to keep an eye for your neighbors and other folks that may need your assistance, stay calm and if you hoarded all the water and toilet paper, she hopes Publix doesn't allow you to return it.

**Mayor Robert Shorr (Seat 4)**

Mayor Shorr reminded everyone about signing up for CODE RED, see something please call 561-985-2558, on call number for Public Works, if you see something that needs immediately attention.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 5:18 p.m.

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Lakisha Burch, Town Clerk

\_\_\_\_\_  
Mayor Robert Shorr

\_\_\_\_\_  
Vice Mayor Laura Danowski

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Councilmember Marge Herzog

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Council Member Marianne Miles

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Council Member Phillis Maniglia





**TOWN OF LOXAHATCHEE GROVES  
TOWN COUNCIL MINUTES OF ATTORNEY-CLIENT CLOSED DOOR SESSION  
OCTOBER 3, 2022, 5:00 p.m.**

*Due to technical difficulties, there is no audio for this meeting*

**CALL TO ORDER**

Mayor Shorr called meeting to order at 5:10 p.m.

**ROLL CALL**

Mayor Robert Shorr, Vice Mayor Laura Danowski, Councilmembers Margaret Herzog, Phillis Maniglia, and Marianne Miles, Town Manager Francine L. Ramaglia, Town Attorney Elizabeth Lenihan, Outside Counsel Jeff Hockman, and Town Clerk Lakisha Burch.

**Town Attorney Elizabeth Lenihan read the below caption:**

Attorney-Client Session

Monday, October 3, 2022, 5:00 P.M.

Attorney-Client Closed Door Session

Pursuant to section 286.011(8), Florida Statutes, the Town Attorney announced her desire for advice from the Town Council concerning pending litigation, specifically regarding settlement negotiations and strategy related to litigation expenditures in the case of John Pata, Regina Maria Christina Burgio as Trustee of the Torchia Family Trust u/a/d July 6, 2016, Vanessa A. Montoya and Andrew Somar, PBCL, LLC, Brian McNeil and Judy L. Westlake, and Ramachandra Bhat and Nagalaxmi R. Bhat v. Town of Loxahatchee Groves, Florida, Case No. 502021-CA-011838, in the circuit court of the 15th Judicial Circuit, in and for Palm Beach County, Florida and she requested an attorney-client session to be scheduled for

October 3, 2022, at 5:00 p.m.

The Town Attorney made this request at the Town Council's public meeting held on September 8, 2022. The session will be attended by the members of the Town Council Mayor Robert Shorr; Vice Mayor Laura Danowski; Council Members Phillis Maniglia, Marge Herzog, and Marianne Miles; Interim Town Manager Francine Ramaglia; Town Attorney, Elizabeth Lenihan; and outside counsel Jeffrey Hochman. A certified court reporter will be present to ensure that the session is fully transcribed, and the transcript will be made public upon the conclusion of the above-cited, ongoing litigation. The estimated length of the attorney-client session will be approximately 60 minutes.

**RECESS**

**RECONVENE**

Town Attorney Lenihan stated that the Attorney-Client Session that was held on October 3, 2022 case of John Pata, Regina Maria Christina Burgio as Trustee of the Torchia Family Trust u/a/d July 6, 2016, Vanessa A. Montoya and Andrew Somar, PBCL, LLC, Brian McNeil and Judy L. Westlake, and Ramachandra Bhat and Nagalaxmi R. Bhat v. Town of Loxahatchee Groves, Florida, Case No. 502021-CA-011838, in the circuit court of the 15th Judicial Circuit, in and for Palm Beach County, Florida was concluded at 6:20 p.m.

**ADJOURNMENT**

There being no further business the meeting was adjourned at 6:20 p.m.

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Lakisha Q. Burch, Town Clerk

\_\_\_\_\_  
Mayor Robert Shorr

\_\_\_\_\_  
Vice Mayor Laura Danowski

\_\_\_\_\_  
Councilmember Marge Herzog

\_\_\_\_\_  
Council Member Marianne Miles

\_\_\_\_\_  
Council Member Phillis Maniglia



155 F Road Loxahatchee Groves, FL 33470

**Agenda Item # 3**

**TO:** Town Council of Town of Loxahatchee Groves  
**FROM:** Lakisha Burch, Town Clerk  
**VIA:** Francine Ramaglia, Town Manager  
**SUBJECT:** Consideration of *Resolution No. 2022-74* appointment Cassie Suchy to the Finance Audit and Advisory (FAAC) Committee.

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**Background:**

Each year the Town Council appoints members of the community to represent them by serving on advisory committees for the Town. On June 21, 2022, Town Council appointed Anita Kane, Peter Savino, Bruce Cunningham, Connie Bell, and Janet Eick to serve as members of the Finance Audit and Advisory Committee (FAAC).

Due to unforeseen circumstances Connie Bell was not able to serve. On September 20, 2022, Ms. Cassie Suchy was nominated to replace Connie Bell (appointed by Councilmember Herzog) as committee member of the FAAC committee. Motion failed 2-2. On October 4, 2022, Councilmember Herzog, asked that the motion from the September 20<sup>th</sup> meeting be reconsidered, and it passed 3-2.

The committee members serve for a one-year term and shall expire on the first Tuesday of May of the following year.

**Recommendation:**

Motion to approve *Resolution No. 2022-74* adoption of the Town of Loxahatchee Groves nomination of Cassie Suchy for the FAAC committee.

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2022-74**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPOINTING VOTING MEMBERS OF THE FINANCE AUDIT AND ADVISORY COMMITTEE (FAAC) TO SERVE A TERM OF ONE (1) YEAR, PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, on May 19, 2009, the Town Council of the Town of Loxahatchee Groves adopted Resolution No. 2009-008, establishing the “Finance Advisory and Audit Committee” (FAAC) to advise the Town Council as to issues related to the Town’s budget, financial activities and performance, and other matters as Town Council deems appropriate; 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, amending Resolution No. 2018-17, related to the composition of the Committee, term of appointment and determination of absences; and

**WHEREAS**, it is the desire of the Town Council to appoint members of the FAAC for the term stated herein.

**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 the following persons to serve as voting members of the Town’s Finance Audit and Advisory Committee (FAAC) for the term of September 20, 2022, through May 1, 2023:

Robert Shorr, Mayor

Bruce Cunningham

Laura Danowski, Vice Mayor

Tracy Raflowitz

Phillis Maniglia, Councilmember

Anita Kane

Marianne Miles, Councilmember

Janet Eick

Margaret Herzog, Councilmember

**Cassie Suchy**

**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.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARINANNE MILES, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

**TOWN OF LOXAHATCHEE GROVES FLORIDA**

ATTEST:

\_\_\_\_\_  
Robert Shorr, Mayor

\_\_\_\_\_  
Lakisha Burch, Town Clerk

\_\_\_\_\_  
Laura Danowski, Vice Mayor

\_\_\_\_\_  
Phillis Maniglia, Council Member

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Marianne Miles, Council Member

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Margaret Herzog, Council Member

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**Town of Loxahatchee Groves, Florida  
Town Council Agenda Item Report; Resolution 2022-69  
Culvers Sign Variance V-2022-03**

**Agenda Item # 4**

**PREPARED BY:** Jim Fleischmann

October 18, 2022

**SUBJECT: Resolution 2022-69 – Grant** two variances from Town Sign Code requirements .

**1. BACKGROUND/HISTORY**

**History:** The Town Council approved a Site Plan on July 6, 2021 for the Culver's Restaurant portion of the 4.49 acre Groves town Center Pod B

**Issue Statement:** The Applicant has requested that following sign variances be approved:

1. An increase the Menu Board Sign Face area from 12 sq. ft. to 16.76 sq. ft.; and
2. An increase of the Sign Structure Height from 5 feet to 5 feet 3 inches.

**Issue Resolution:** Per the ULDC, a variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria in Section 150-020 is met. In order to recommend approval of the proposed variance, the Town Council should find that the application meets each of the five criteria.

**2. CURRENT ACTIVITY**

The Planning and Zoning Board (PZB), at its meeting on September 22, 2022 recommended approval of the Culvers Restaurant Sign Variance Application V-2022-03 by a 3 – 0 vote.

Based upon the PZB report titled: "Agenda Item Staff Summary Variance Application V-2022-03" dated September 22, 2022, Staff finds that the Applicant has demonstrated that each of the five review criteria in ULDC Section 150-020 has been satisfied and therefore recommends approval of Resolution 2022-69.

**3. ATTACHMENTS**

1. Resolution 2022-69
2. Planning and Zoning Board Staff Report dated September 22, 2022

**4. RECOMMENDED ACTION:** Approval of Resolution 2022-69, as recommended by PZB and Staff.

## TOWN OF LOXAHATCHEE GROVES

### RESOLUTION 2022-69

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE CULVERS SIGN VARIANCE, FOR LAND OWNED BY SOLAR SPORTSYSTEMS, INC. CONSISTING OF 1.397 ACRES MORE OR LESS, LOCATED ON THE NORTH SIDE OF SOUTHERN BOULEVARD EAST OF "B" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR 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 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to variances from land development regulations for development on property within the Town; and

**WHEREAS**, the Council, pursuant to Section 150-010 (Authority) of the Town of Loxahatchee Groves Unified Land Development Code (ULDC) is granted the authority to permit a variance to the provisions of the ULDC related to: (1) height; (2) yards; (3) parking and loading; (4) landscaping and buffers; (5) separation of uses; (6) plot coverage; and/or (7) such other provisions of the Code which do not specifically prohibit such requests; and

**WHEREAS**, the notice and hearing requirements, as provided for in Article 115 (Public Hearing Notices) of the ULDC have been satisfied; and

**WHEREAS**, the Town Planning and Zoning Board (P&Z Board), at its meeting of September 22, 2022 recommended approval of the Culvers Variance Application V-2022-03; and

**WHEREAS**, the Culvers. Application V-2022-03, was presented to the Town Council at a quasi-judicial public hearing conducted on October 4, 2022; and

**WHEREAS**, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff and Town P&Z Board; and

**WHEREAS**, the ULDC requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution.

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

**Section 1.** Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.



**Section 2.** The Town Council has considered the analysis and findings of the Planning and Zoning Board report entitled “Agenda Item Staff Summary: Variance Application V-2022-03:” dated September 22, 2022 and the Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. V-2022-03 is a request to permit a Menu Board Sign Face increase from 12 sq. ft. to 16.76 sq. ft. and an increase in the Sign Structure Height from 5 feet to 5 feet 3 inches.
2. V-2022-03, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations, including Sections 150-010(B) and 150-010(C).
3. The Applicant has demonstrated, by competent substantial evidence, based upon responses to the criteria of Section 150-020 (Considerations for variances) of the Town of Loxahatchee Groves land development regulations, that V-2022-02 meets the stated criteria and is not contrary to the public interest.

**Section 3.** The Town Council of the Town of Loxahatchee Groves approves the Culvers Variance Application V-2022-03 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof.

**Section 4.** The approval is subject to Section 150-030 (Time limits) of the Town of Loxahatchee Groves Unified Land Development Code and other provisions requiring that development commence in a timely manner.

**Section 5.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6.** 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 7.** This Resolution shall become effective upon adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Robert Shorr, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laura Danowski, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marge Herzog, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marianne Miles, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phillis Maniglia, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLVED AND ADOPTED** by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this \_\_\_\_ day of October 2022.

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor Robert Shorr

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Vice Mayor Laura Danowski

\_\_\_\_\_  
Council Member Phillis Maniglia

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member Marge Herzog

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Council Member Marianne Miles

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**EXHIBIT A**

# LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Description is applicable to Resolution 2022-53:

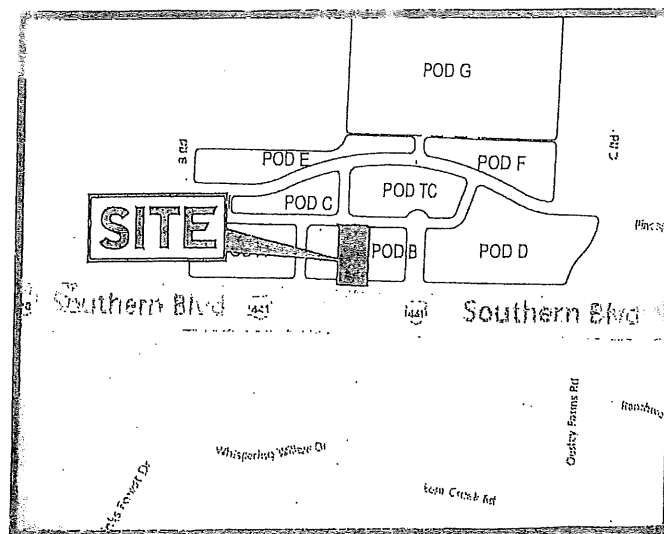
A portion of Pod and Tract LB4. "Groves Town Center PUD", according to the plat thereof, as recorded in plat book 128, pages 66 through 70, of the public records of Palm Beach County, Florida, more particularly as described as follows:

Commencing at the southwest corner of said Tract LB4; Thence south  $88^{\circ}26'46''$  east along the south line of said Tract LB4, also being the North Right-Of-Way line of Southern Boulevard 249.06 feet to the point of beginning; Thence north  $01^{\circ}33'14''$  East 348.33 feet; Thence south  $88^{\circ}26'46''$  east 174.65 feet; Thence south  $01^{\circ}33'44''$  west 348.33 feet to a point on the aforementioned south line and north Right-Of-Way line; Thence north  $88^{\circ}26'4''^{1}$  west along said south line and north Right-Of-Way line 174.65 feet to the point of beginning.

Said lands situate, lying, and being in the Town of Loxahatchee Groves, Palm Beach County, Florida, and containing 60,834 square feet (1.3966 acres), more or less.

**Parcel Control Numbers: 41-41-43-31-13-002-0010 (portion)**

## LOCATION MAP



**TOWN OF LOXAHATCHEE GROVES  
PLANNING AND ZONING BOARD  
September 22, 2022**

**AGENDA ITEM STAFF SUMMARY: VARIANCE APPLICATION VA-2022-03**

***A. DESCRIPTION OF THE PROPERTY***

***Project Name:*** Culver's Sign Variance Application VA-22-03 (Groves Town Center Pod B)

***Agent:*** Robert Rogers, Rogers' Sign Corp.

***Applicants:*** Kasey Bethel, Contract Purchaser

***Owners:*** Solar SportSystems, Inc.

***Parcel Control Number (PCN):*** 41-41-43-31-13--002-0010 (portion).

***Project Location:*** Southern Boulevard. East of the northeast corner of Southern Boulevard and "B" Road (Pod B of the Groves Town Center MUPD).

***Size of Property:*** 1.39 acres.

***FLU Map Designation:*** Portion of the Commercial Low (CL) Pod B of the Groves Town Center Multiple Land Use Conceptual Master Plan.

***Zoning Map Designation:*** Multiple Land Use Planned Unit Development (MLU/PUD)

***Existing Use:*** Palm Beach County Property Appraiser (PAPA) Use Code – 1000 Vacant Commercial.

***B. APPROVAL HISTORY***

The Subject Site, located on the north side of Southern Boulevard east of "B" Road in Loxahatchee Groves, is a portion of the 4.49 acre Pod B of the 90 acre "Groves Town Center" which was assigned a Multiple Land Use (MLU) future land use designation by the Town for the purpose of implementing a mixed-use development concept consisting of the following three land uses: Commercial Low (CL), Commercial Low Office (CL-O), and Institutional (INST). Subsequent to the MLU approval, the Groves Town Center parcel was assigned an MLU/PUD zoning approval, including a Conceptual Master Plan.

The Town Council approved a Site Plan on July 6, 2021 for the Culver's Restaurant portion of the 4.49 acre Groves town Center Pod B.

Applicant submitted a prior Variance Application (VA-22-02) which requested the following two approvals:

1. A second Wall sign of 29.96 sq. ft. on the west building elevation above the main entrance to the restaurant; and

2. An increase in the Menu board size from a code-maximum of 12 sq. ft. to 24 sq. ft.

VA-22-02 was reviewed by the Planning and Zoning Board (PZB) at its meeting on August 25, 2022. The PZB recommended approval of VA-22-02 by a 4 – 0 vote.

Resolution 2022 – 53 ( i.e.VA-22-02) was heard by the Town Council at its meeting on September 8, 2022, at which time it was denied by a 4 – 1 vote following a lengthy discussion of sign variance approvals in the vicinity, including Publix, Tractor Supply, Aldi, and Wendy's..

### **C. APPLICATION REQUEST**

Following denial of VA-22-02, the Applicant has requested a variance from ULDC Section 90-040(B) (5) *Monument or Panel Sign* to allow: (1) a Menu Board sign face increase in the ULDC maximum of 12 sq. ft. to 16.76 sq. ft. (a variance of 4.76 sq. ft.); and (2) in order to accommodate the proposed sign face an increase in the ULDC maximum sign structure height of 5 feet, including the perimeter frame, to 5 feet three inches (a variance of 3 inches). Refer to Exhibits 1 - 3 for sign characteristics illustrating the proposed variances.

The proposed variance will allow Culver's to utilize its prototype MB-PS-25 Exterior Drive Up Menu Board (MB-PS-25), illustrated on Exhibit 1. Both variances are required in order for the MB-PS-25 to be used.

The proposed MB-PS-25 prototype has a sign structure size of 24.6 sq. ft. Applying the ULDC-based maximum sign structure dimensions (height and width of 5 feet each), the maximum sign allowed by the code is 25 sq. ft.

### **D. STAFF REVIEW**

ULDC Section 90-040(B) (5)b states that a drive-thru (panel sign) is permitted on a building of 1,000 sq. ft. or more with a maximum sign face area of no greater than 12 sq. ft.. The requested panel sign variance is to allow a drive-thru menu board sign face of 16.76 sq. ft. (Refer to Exhibit 2).

ULDC Section 90-040(B) (5) b also states that both the maximum height and width of the sign structure of a drive-thru sign shall not exceed 5 feet. The requested panel sign variance is to allow the sign structure height to be 5 feet 3 inches. (Refer to Exhibit 3) to accommodate the proposed Culver's prototype sign. Both variances are required to approve the prototype sign and will be reviewed as a single proposal (i.e. an increase in the code sign face maximum of 12 sq. ft.).

Variance procedures and requirements are contained in Article 150 *Variances* of the Town's ULDC. Per ULDC Section 150-010(B), the Town Council may grant a variance provided that such approval will not result in a use which is specifically or by inference prohibited in the zoning district. The proposed use, Culver's Restaurant, is a permitted use.

Further, per ULDC Section 150-010(C), variance applications will not be considered with respect to the following:

1. Where plans have been submitted and approved and permits issued, and additional work not shown on the approved plans has been performed. Previous plans related to VA-22-03 have not been submitted and approved, permits issued and additional work completed on the menu board on the property.

2. Where a property has been subdivided and as a result an existing structure is in violation of the provisions of the ULDC. There is no existing structure in Pod B.

Brief descriptions of abutting properties are presented in the following table. Southern Boulevard, followed by the C-51 Canal right-of-way, borders the Subject Site to the south and vacant parcels within the Groves Town Center mixed-use planned development, border the Subject Site the north, west and east.

#### Inventory of Abutting Properties

Direction	Description
North	Vacant – Pod “C” of Groves Town Center
South	Southern Boulevard followed by C-51 Canal
East	Approved – Southern Palms Car Wash
West	Vacant Parcel – Pod “B” of Groves Town Center

Per ULDC Section 150-020 of the ULDC, a variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria is met. The five criteria and the Applicant's responses are presented below:

**Criterion 1:** *That special conditions and circumstances exist which are unique to the property, or the intended use of the property, that do not generally apply to other properties in the same zoning district.*

**Applicant's Response:** The restrictive code for the menu board allowance limits the number of items customers would see are available for order.

**Staff Analysis:** Due to the number of food items available for order, Culvers requires a menu board sign face larger than the ULDC permits in order adequately inform drive-thru customers regarding possible food selections. The size of Culver's food offering creates a need for a menu board larger than the ULDC permits. On this basis, Staff concludes that Criterion 1 has been satisfied.

**Criterion 2:** *That any alleged hardship is not self-created is not self-created by any person having an interest in the property and is not the result of mere disregard for, or ignorance of, the provisions of the Code, but is instead the result of one or more of the special condition(s) found above.*

**Applicant's Response:** The restrictive code for the menu board allowance limits the number of items customers would see are available for order

**Staff Analysis:** The hardship is determined to consist of the ULDC maximum menu board sign face in relation to industry standards, and the large available food offering in relation to the maximum size. As a result, the hardship was not self-created. On this basis, Staff concludes that Criterion 2 has been satisfied.

**Criterion 3:** *That literal interpretation of the Code would deprive the applicant of reasonable use of the property, in that the applicant would be deprived of rights commonly enjoyed by properties in the same zoning district, and would thereby cause an unnecessary and undue hardship.*

**Applicant's Response:** The restrictive code for the menu board allowance limits the number of items customers would see are available directly impacting the sales of the business.

**Staff Analysis:** The issue of customer visibility (i.e. customer awareness of menu items) is addressed in Criteria 1 and 2. Based upon the above analysis, denial of the proposed enlarged Menu Board sign face would deprive the Applicant of the same rights (i.e. visibility of the preferred menu within the drive-thru). On this basis, Staff concludes that Criterion 3 has been satisfied.

**Criterion 4:** *The Variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the applicant any special privilege that is denied to any other properties in the same zoning district.*

***Applicant's Response:***

Allow a larger sign face of 16.75 sq. ft. on the Menu Board and increase the height to 5 feet 3 inches but overall less than the square foot allowance (25 sq. ft.).

**Staff Analysis:** The Applicant stated that the proposed Menu Board sign face of 16.76 sq. ft. is needed to inform customers of the food offering. A Menu Board sign face is allowed up to 12 sq. ft. by the ULDC. Menu Board Variances have been approved for Wendy's and Dunkin Donuts, in consideration of their individual needs and business requirements. On this basis, having established the basis for its request, Staff concludes that Criterion 4 has been satisfied.

**Criterion 5:** *That the granting of the variance will be in harmony with the general intent and purpose of the Code and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

**Applicant's Response:** Allowing the slightly larger sign face would not impact the surrounding area since; the overall sign frame area is less than the square foot allowance.

**Staff Analysis:** Per Section 40-010(a) of the Town's Land Development Code, the purpose and intent of a Planned Unit Development (PUD) zoning district is to provide creative solutions to implement Town planning directives. Groves Town Center has been designed in accordance with the design guidelines of an MUPD

development. As such, signage should be designed to effectively and safely advertise properties understanding their function and design. Granting the Variance Request will be in harmony with the general intent and purpose of the Code and will not be injurious to the surrounding area or public welfare.

Per Section 90-005(C) *Compatibility of the ULDC*, signs should be made compatible with the overall objectives of the Comprehensive Plan by ensuring compatibility with surrounding land uses. Approval of the Variance will maintain compatibility with commercial development along Southern Boulevard. Staff concludes that Criterion 5 has been satisfied.

#### ***E. STAFF RECOMMENDATION***

It is concluded that the Applicant has demonstrated, by competent and substantial evidence, that each of five review criteria in ULDC Section 150-020, as required by code, has been satisfied. Based upon this conclusion, Staff recommends approval of Variance Application VA- 22-03 permitting a Menu Board sign face of 16.76 sq. ft. and a perimeter sign height of 5 feet 3 inches.



EXHIBIT 1 – COLOR ELEVATION OF PROPOSED MENU BOARD

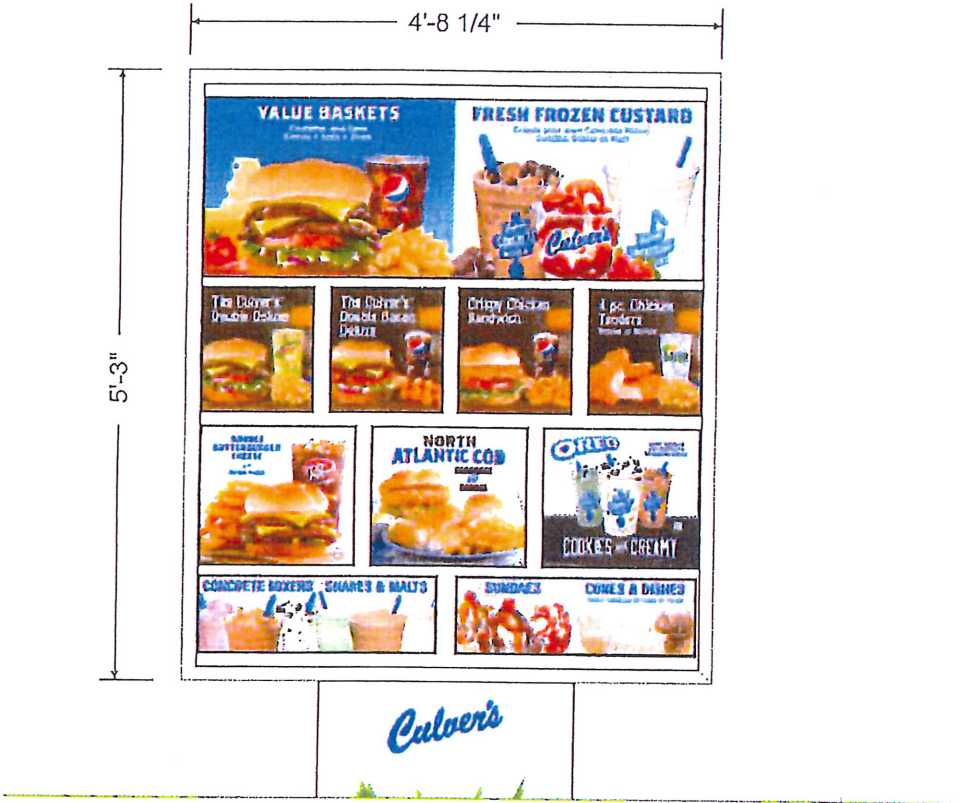
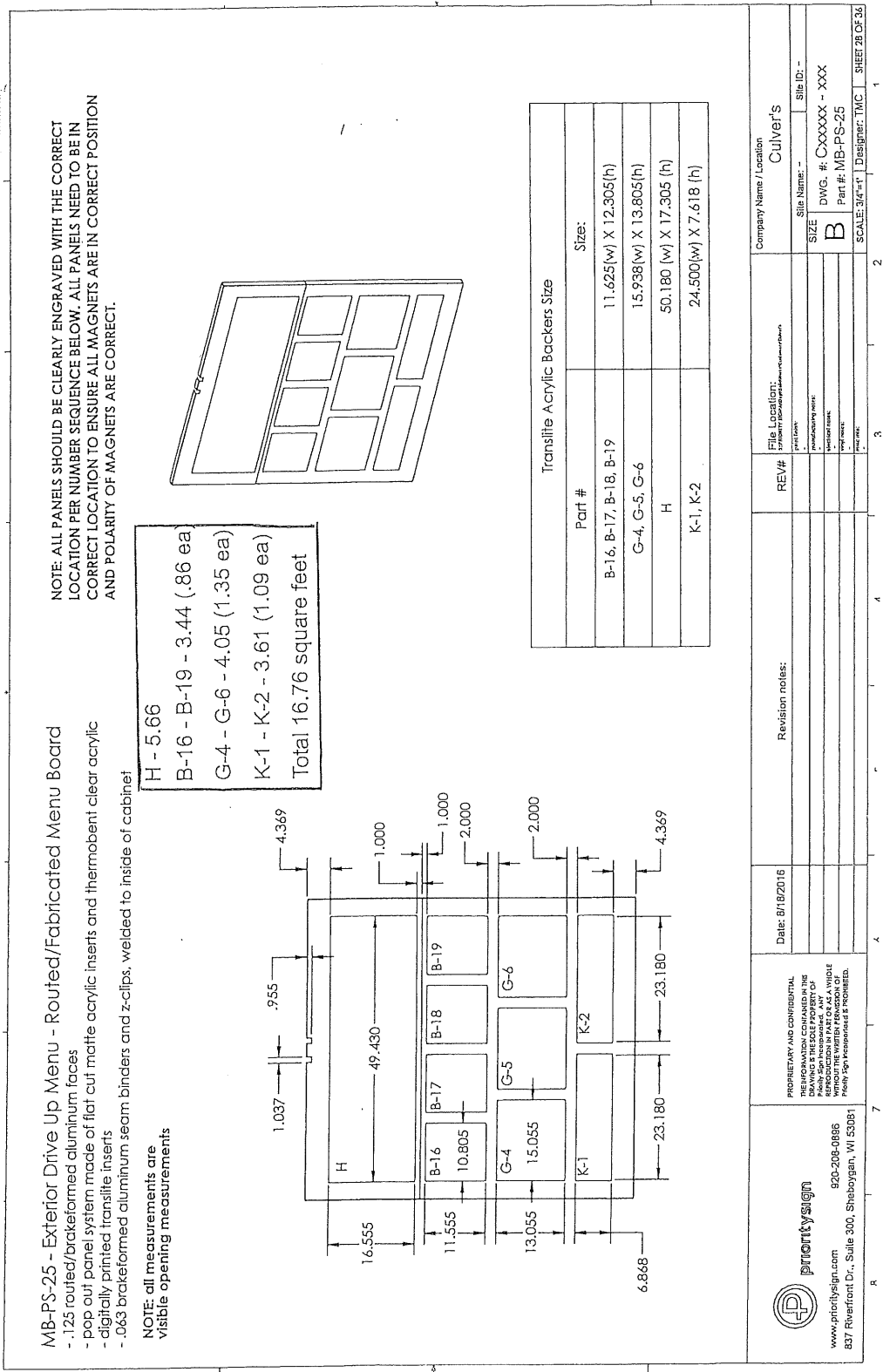
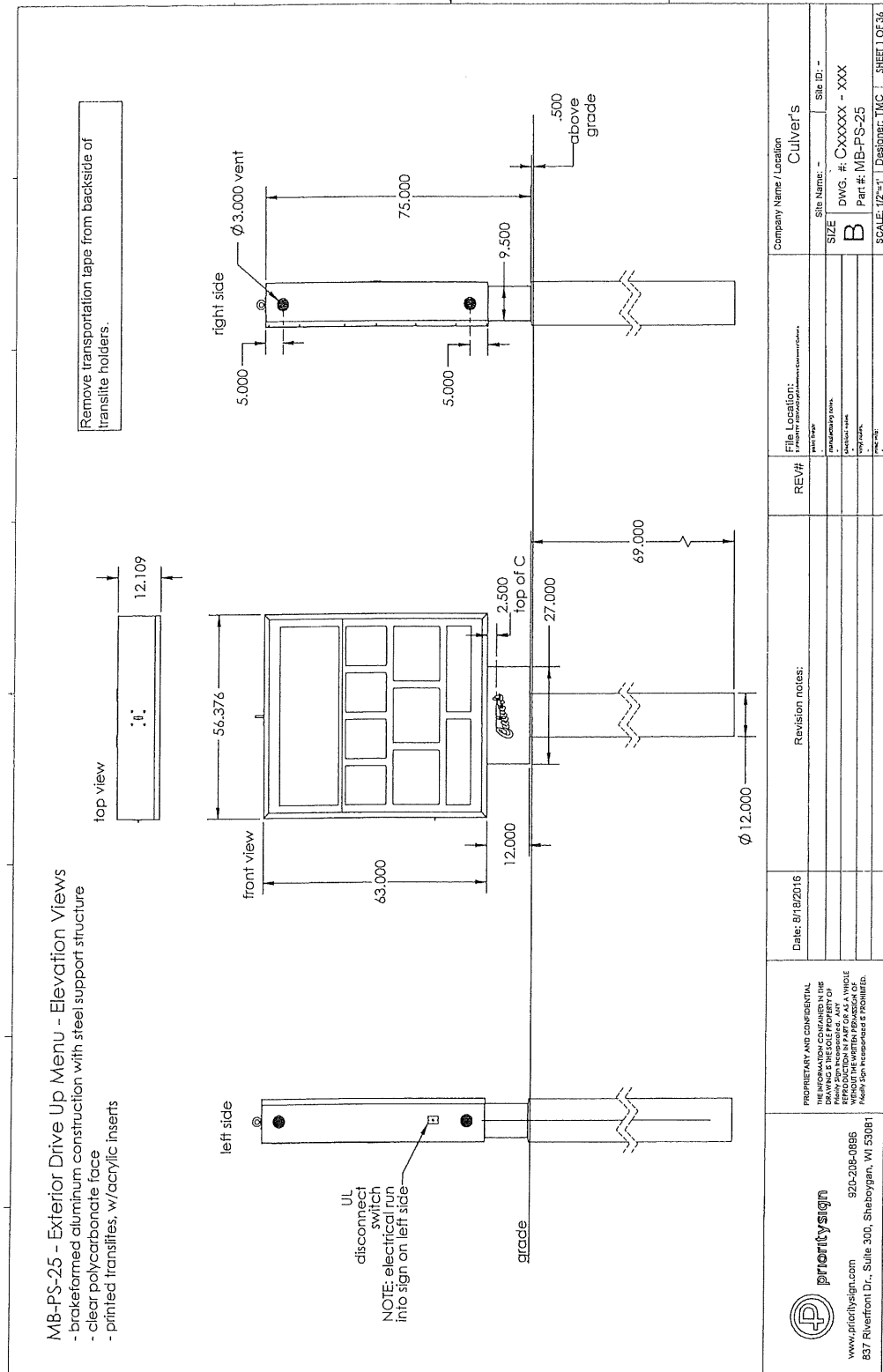


EXHIBIT 2 – ILLUSTRATION OF SIGN FACE CALCULATIONS



# EXHIBIT 3 – PROPOSED MENU BOARD DESIGN SPECIFICATIONS



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155 F Road Loxahatchee Groves, FL 33470

**Agenda Item # 5**

**TO:** Town Council of Town of Loxahatchee Groves

**FROM:** Larry Peters, Public Works Director

**VIA:** Francine Ramaglia, Town Manager

**DATE:** October 4, 2022

**SUBJECT:** Consideration of *Ordinance No. 2022-01* adopting the annual update to the Capital Improvements Element of the Comprehensive Plan consistent with Chapter 163, Florida Statutes.

---

**Background:**

Pursuant to Section 163.3177(3)(b) of Florida Statutes, local governments are required to undertake an annual review of the Capital Improvements Element to update the Five-Year Capital Improvements Plan (CIP) for Level of Service (LOS) projects. The update to the schedule is not considered an amendment to the Comprehensive Plan. Staff has conducted the review and is proposing to update the Capital Improvements Element with the projects as shown in Exhibit A of Ordinance No. 2022-01.

On October 4, 2022, Town Council approved Ordinance No. 2022-01 on first reading with minor changes that have been made. The Ordinance proposes is to update the Five-Year Capital Improvements Plan (CIP) for Level of Service (LOS) projects.

**Recommendation:**

Move that Town Council adopt Ordinance 2022-01 Updating the Capital Improvements Element of the Comprehensive Plan consistent with Chapter 163, Florida Statutes on second reading.

## **ORDINANCE NO. 2022-01**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN CONSISTENT WITH CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant Section 163.3177(3)(b), Florida Statutes, is required to review the Capital Improvements Element of the Town’s Comprehensive Plan and update the 5-year capital improvement schedule annually; and

**WHEREAS**, pursuant Section 163.3177(3)(b), Florida Statutes, modifications to update the 5-year capital improvement schedule may be adopted by ordinance and need not be an amendment to the Comprehensive Plan; and

**WHEREAS**, the Town Council has reviewed the Capital Improvements Element of the Town’s Comprehensive Plan and has projected the 5-year capital improvement schedule for the years 2023-2027 to be financially feasible.

**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 adopts the 2023-2027 Capital Improvement Schedule as the 2023 Annual Update to the Capital Improvements Element of the Comprehensive Plan, as set forth in Exhibit “A” attached hereto and incorporated herein by this reference.

**Section 3. 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 4. 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 5. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**TOWN OF LOXAHATCHEE GROVES, FLORIDA**

ATTEST:

\_\_\_\_\_  
Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Mayor Robert Shorr

\_\_\_\_\_  
Vice Mayor Laura Danowski

\_\_\_\_\_  
Council Member Margaret Herzog

\_\_\_\_\_  
Council Member Phillis Maniglia

\_\_\_\_\_  
Council Member Marianne Miles



**TOWN OF LOXAHATCHEE GROVES**  
**Proposed 2022-2023 Fiscal Year Budget (FY23)**  
FY23 Budget Workbook: Revision 1 for Budget Workshop August 2022

**CAPITAL PROJECTS WORKSHEET**

		<b>Annual Cost</b> <i>(one-time projects)</i>	<b>Total Cost</b> <i>(multiple year projects)</i>	<b>Estimated Timeframe</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>
<b>Road Paving Plan <i>(overlay program)</i></b>								
A South	1.25 miles	\$ 250,000		2024		\$ 250,000		
B North	0.5 miles	\$ 95,000		2024		\$ 95,000		
E North to SN	1 miles	\$ 188,000		2023	\$ 188,000			
E S Okee to CC	1.25 miles	\$ 250,000		2023	\$ 250,000			
E S to Southern	0.4 miles	\$ 80,000		2024		\$ 80,000		
N North	2 miles	\$ 319,000		2024		\$ 319,000		
West G	0.5 miles			2023	\$ 100,000			
W 25th St N	0.25 miles			2023	\$ 50,000			
Folsom	0.3 miles	\$ 60,000		2023	\$ 60,000			
6th Ct	0.75 miles							
Tangerine	0.5 miles	\$ 100,000		2024		\$ 100,000		
E Citrus	0.5 miles	\$ 100,000		2024		\$ 100,000		
147th				2024				
160th Ave N	0.4 miles			2023	\$ 80,000			
161st Ter N	2 miles							
Collect Canal	3.25 miles	\$ 650,000		2023-2024	\$ 650,000	\$ 100,000		
Casey Rd	0.75 miles	\$ 150,000		2025			\$ 150,000	
Compton	0.75 miles	\$ 150,000		2025			\$ 150,000	
Bryan	0.75 miles	\$ 150,000		2025			\$ 150,000	
Marcella	0.75 miles	\$ 150,000		2025			\$ 150,000	
Gruber	0.5 miles	\$ 100,000		2025			\$ 100,000	
		<u>\$ 2,792,000</u>			<u>\$ 1,378,000</u>	<u>\$ 1,044,000</u>	<u>\$ 700,000</u>	
<b>Road Rock Plan <i>(rebuilding of road beds)</i></b>								
South 'E' and Citrus		\$ 112,800		2024		\$ 112,000		
A South	1.25 miles	\$ 80,000		2024		\$ 80,000		
B North	0.5 miles	\$ 40,000		2024		\$ 40,000		
E SN to NN	1 miles	\$ 65,000		2023	\$ 50,000			
E S to Southern	0.4 miles	\$ 40,000		2024		\$ 40,000		
N North	2 miles	\$ 160,000		2025			\$ 160,000	
S North	.15 miles							
West G	0.5 miles	\$ 40,000		2023	\$ 5,000			
W 25th St N	0.25 miles	\$ 20,000		2023	\$ 5,000			
Folsum	0.3 miles	\$ 30,000		2025				
6th Ct	0.75 miles	\$ 158,400		2024		\$ 158,400		
Tangerine	0.5 miles	\$ 65,000		2024		\$ 65,000		
E Citrus	0.5 miles	\$ 45,000		2024		\$ 45,000		
147th	0.125 miles	\$ 10,000		2024		\$ 10,000		

161st Ter N	2 miles	\$	130,000	2024		\$	130,000						
160th Ave N	0.4 miles	\$	53,600	2023		\$	30,000						
22nd N/F/P	0.6 miles												
Collect Canal	3.25 miles	\$	30,000	2023		\$	30,000						
Casey Rd	0.75 miles	\$	65,000	2024			\$	65,000					
Gruber	0.5 miles	\$	40,000	2024			\$	40,000					
		\$	1,184,800			\$	120,000	\$	785,400	\$	160,000		
<b>Required Drainage Repairs</b>													
Maintenance program to improve conveyance and drainage													
Specific Maintenance Projects													
Pump House		\$	25,000	2023		\$	10,000						
Gate Repairs at ‘A’		\$	10,000	2023		\$	10,000						
Gate Repairs at ‘D’		\$	25,000	2023		\$	15,000						
		\$	60,000			\$	35,000						
Swales & Culverts													
North A Road Drainage		\$	160,000	2024			\$	160,000					
North B Road Drainage		\$	160,000	2024			\$	160,000					
North C Road Drainage		\$	160,000	2024			\$	160,000					
South D Road Drainage:		\$	160,000	2024			\$	160,000					
Tangerine													
Collecting Canal													
Southern Blvd (including trail in swale)													
South E and Citrus Drainage (Without tree removal)		\$	90,000	2023		\$	90,000						
		\$	730,000			\$	90,000	\$	640,000				
Specific Culvert Locations													
161st and A Rd Bridge Culvert		\$	108,000	2023		\$	108,000						
11th Ter and D Rd Bridge Culvert		\$	126,000	2023		\$	126,000						
E Rd and Collecting Canal Culvert		\$	159,000	2023		\$	159,000						
C Rd and Collecting Canal Equestrian Bridge Culvert (net anticipated cost)		\$	110,000	2023		\$	110,000						
Miscellaneous culvert failures/emergency repairs (5-7 culverts)		\$	200,000	2023-2026	<i>annually</i>	\$	100,000	\$	150,000	\$	200,000	\$	200,000
		\$	703,000			\$	603,000	\$	150,000	\$	200,000	\$	200,000
<b>Repair and Maintenance Canals</b>													
Cost to restore banks to 1.5:1 slope (30 Miles at 5% annually													
over 20 years) = 1.5 Miles at \$150.00 /LF		\$	1,210,500	2023-2039		\$	50,000	\$	1,210,500	\$	1,210,500	\$	1,210,500
Seven Locks/Weirs at \$150,000 each location		\$	350,000	2023-2025				\$	350,000	\$	350,000	\$	350,000
		\$	1,560,500			\$	50,000	\$	1,560,500	\$	1,560,500	\$	1,560,500
<b>Other Specific Road &amp; Drainage Improvements</b>													
Paving & drainage improvements on Town roads:													
Refurbish edges and resurface all 2 miles of OGEM (North road)		\$	360,000	TBD									
Collecting Canal System Rehab ( <i>estimate from prior years RETGAC</i> )		\$	1,100,000	TBD									
Catch Basin Project			TBD	TBD									
Public Footprint (surveys, mapping & title searches)			TBD	TBD									
Intersection Signals													
Okeechobee at D road, F & Folsom			TBD	TBD									
SWM System Improvements ( <i>estimate from prior years RETGAC</i> )													

Annual surface water management infrastructure project(s) to improve flood control, adherence to NPDES requirements and water quality.	TBD		TBD						
	<u>\$ 1,460,000</u>								
<b>Trails System</b>									
Connectivity improvements and trail maintenance/upgrades to ensure safety and usefulness of the Town trails system.									
North Road Trail <i>(estimate from prior years RETGAC)</i>	\$ 95,000		TBD						
Horse crossings at B, D and F Roads along canal heads	TBD		TBD						
Hand pump and trail amenities at C	TBD		TBD						
Development of a Linear Park from A Road to Folsom Road South of Collecting Canal Roac	TBD		TBD						
Other Trails Improvements	TBD		TBD						
	<u>\$ 95,000</u>						<u>\$ -</u>		
<b>Other Capital Projects</b>									
Public Works Equipment Storage Building <i>(estimate from prior years RETGAC)</i>	\$ 1,388,000		TBD						
School Bus Stops Shelters \$25,000 each	\$ 25,000		TBD						
	<u>\$ 1,413,000</u>								
	<u>\$ 9,998,300</u>						<u>\$ 2,276,000</u>	<u>\$ 4,179,900</u>	<u>\$ 2,620,500</u> <u>\$ 1,760,500</u>
<b>Other Road Materials and Supplies <i>(Budgeted in Public Works)</i></b>									
Road Maintenance									
Miscellaneous Annual Rock Replenishment	\$ 150,000	<i>annually</i>	2023	\$ 150,000	\$ 150,000	\$ 150,000	\$ 150,000		
Road Rehabilitation									
North Road (millings--see paving estimate below)	\$ 60,000		2023	\$ 30,000					
Berm and sod replacement	\$ 50,000		2023						
Roadway Signage (uniformity)	\$ 25,000	<i>annually</i>	2023	\$ 15,000	\$ 25,000	\$ 25,000	\$ 25,000		
	<u>\$ 285,000</u>			<u>\$ 195,000</u>	<u>\$ 175,000</u>	<u>\$ 175,000</u>	<u>\$ 175,000</u>		
<b>Rental/Lease Option Machinery &amp; Equipment <i>(Budgeted in Public Works)</i></b>									
Tractor Mower	\$ 45,000		2023-2026	\$ 45,000	\$ 45,000	\$ 45,000			
Mower (Kubuta)	\$ 60,000		2022-2024	\$ 60,000	\$ 60,000				
Grader	\$ 50,000		2022-2024	\$ 50,000	\$ 50,000				
Dump Truck 10-12 Tons	\$ 60,000		2024-2026		\$ 60,000	\$ 60,000	\$ 60,000		
Roller- Council came to a consensus to rent the roller when needed			2024-2026		\$ -	\$ -	\$ -		
	<u>\$ 215,000</u>			<u>\$ 155,000</u>	<u>\$ 215,000</u>	<u>\$ 105,000</u>	<u>\$ 60,000</u>		
	<u>\$ 10,498,300</u>			<u>\$ 2,626,000</u>	<u>\$ 4,569,900</u>	<u>\$ 2,900,500</u>	<u>\$ 1,995,500</u>		
<b>ARPA Funds Available:</b>									
Total received	\$ 1,798,000								
Applied in 2022:									
Backhoe	\$ (160,000)								
D & Gruber Culvert	\$ (100,000)								
Included in PW Budget for Equipment Purchases/Leases									
	<u>\$ 1,538,000</u>								
<b>Other Capital Funds Available:</b>									

General Fund	\$ 247,000
Gas Tax Funds	\$ 126,900
Surtax Funds	\$ 266,200
	<u>\$ 640,100</u>
	<u>\$ 2,178,100</u>

**Recommended Use of Capital Funds in 2023:**

Road Paving Plan ( <i>overlay program</i> )	\$ 1,378,000
Road Rock Plan ( <i>rebuilding of road beds</i> )	\$ 120,000
Required Drainage repairs & maintenance	\$ 35,000
Specific Culvert Locations	\$ 603,000
Canal Restoration ( <i>plan/study</i> )	\$ 50,000
Available/find	<u>\$ (7,900)</u>
	<u>\$ 2,178,100</u>



155 F Road Loxahatchee Groves, FL 33470

**Agenda Item # 6**

**TO:** Town Council of the Town of Loxahatchee Groves

**FROM:** Elizabeth V. Lenihan, Town Attorney

**VIA:** Francine Ramaglia, Town Manager

**DATE:** October 18, 2022

**SUBJECT:** Consideration of Ordinance 2022-02 Regarding Referendum to Amend Signature Requirements in Town Charter

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On October 4, 2022, Town Council approved Ordinance 2022-02 on first reading. The Ordinance proposes an amendment to the signature requirements for ordinances and resolutions in the Town Charter.

There have been no modifications to the Ordinance since first reading.

**RECOMMENDATION**

Move that Town Council adopt Ordinance 2022-02 regarding referendum to amend signature requirements in the Town Charter on second reading.

**ORDINANCE NO. 2022-02**

**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 MARCH 14, 2023, AS TO WHETHER THE TOWN OF LOXAHATCHEE GROVES CHARTER SHALL BE AMENDED IN THE FOLLOWING RESPECT: AMEND PARAGRAPH (12) OF SECTION 5 “LEGISLATIVE” OF THE CHARTER TO PROVIDE FOR SIGNATURE AUTHORITY BY THE MAYOR; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; 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**, Section 166.031, Florida Statutes, authorizes the governing body of a municipality to submit proposed amendments to the Charter of the municipality in the form of an ordinance to the electors of the municipality; and

**WHEREAS**, Section 2 of the Town Charter provides that the Mayor shall be recognized as the head of town government for signature or execution of documents, that in the absence of the mayor the vice mayor shall serve as acting mayor; and

**WHEREAS**, Paragraph (12) of Section 5 of the Town Charter provides that all council members must sign ordinances and resolutions; and

**WHEREAS**, to streamline the execution of ordinances and resolutions and to establish consistency with Section 2 of the Charter, the Town Council finds that Paragraph (12) of Section 5 should be amended to require only the Mayor to sign all ordinances and resolutions; 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 14<sup>TH</sup> day of March 2023, to determine whether or not the Town of Loxahatchee Groves Charter shall be amended to amend Paragraph (12) of Section 5. – Legislative to read as follows:

(12) *Recordkeeping.* The council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings and all ordinances and resolutions adopted by the council, and the same shall at all times be a public record. The council shall further maintain a current codification of all ordinances. Such codification shall be printed and shall be made available for distribution to the public on a continuing basis. All ordinances or resolutions of the council shall be signed by ~~all council members~~ the mayor and attested to by the town clerk.

**Section 3:** The ballot title and summary for the Charter amendment provided for herein shall be as follows:

**EXECUTION OF DOCUMENTS APPROVED BY TOWN COUNCIL**

The present Charter provides all council members must sign ordinances and resolutions approved by Town Council. Should the Charter be amended to provide that signature by the mayor only is sufficient on ordinances and resolutions that have been approved by Town Council?

Yes ☐

No ☐

**Section 4. Notice and Advertising.** The Town Clerk shall prepare and give notice of the proposed Charter Amendment by causing appropriate notice to be published in accordance with the provisions of Section 100.342, Florida Statutes, which provides for at least one publication each week during the third and fifth weeks preceding the week in which the Referendum to consider the proposed Charter Amendment is to be held. The publications shall be placed in a newspaper of general circulation in the Town. The Town Clerk shall secure from the publisher of the newspaper an appropriate affidavit of proof that the statutorily required Referendum notices have been duly published, as herein set forth and that these affidavits shall be part of the record of the Town Council.

**Section 5. Canvassing.** The election returns of the Referendum shall be canvassed in the manner provided by law, and the returns shall be certified to the Town Council and recorded in the minutes of the Town Council.

**Section 6. 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 7. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 8. 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 9. 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 March 14, 2023.

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 8<sup>th</sup> DAY OF October 2022.**

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**TOWN OF LOXAHATCHEE GROVES, FLORIDA**

ATTEST:

\_\_\_\_\_  
Lakisha Q. Burch, Town Clerk

\_\_\_\_\_  
Mayor Robert Shorr

\_\_\_\_\_  
Vice Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
Council Member Margaret Herzog

\_\_\_\_\_  
Council Member Phillis Maniglia

\_\_\_\_\_  
Council Member Marianne Miles

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# **Town of Loxahatchee Groves**

## **Preparation of Evaluation and Appraisal Report (EAR)**

### **Comprehensive Plan Amendments**

**Agenda Item # 7**

#### **Introduction**

Per Florida Statutes, each municipality and county are required to review and update its Comprehensive Plan every seven years. Pursuant to the Evaluation and Appraisal Notification for the Town dated June 18, 2021, and additional identified local comprehensive planning issues, the Town is in need of preparing the state mandated Evaluation and Appraisal Report (EAR) and subsequent updates to the Comprehensive Plan.

On July 18, 2022, the Town received notification from the Florida Department of Economic Opportunity that additional Comprehensive Plan amendments (i.e., Future Land Use Map and/or Text amendments) cannot be adopted by the Town until the EAR and EAR-Based amendments have been adopted. In terms of land use related activities, the Town should place the highest priority on completing the EAR-related requirements.

#### **General Proposed Scope**

The following two-phase approach is proposed: (1) Preparation of an Evaluation and Appraisal Report (EAR) to provide the support documentation necessary for the Comprehensive Plan amendments; and (2) preparation, processing, and approval of the EAR-based Comprehensive Plan amendments, including updating and preparation of the Comprehensive Plan document.

In summary, the following Work Scope planning issues are to be addressed:

(1) Separation of the current Comprehensive Plan into the following two documents for ease of use: Support Documentation; and Goals, Objectives, and Policies.

(2) Addition of an Introduction Chapter (i.e., Community Character Element) to the Comprehensive Plan oriented to describing the current community and an overall goal for the future of the Town.

(3) A general update of the Goals, Objectives and Policies Document including editing statutory and administrative code references and identifying objectives and policies that need updating.

(4) Addition of a Property Rights Element to the Goals, Objectives, and Policies Document per F.S. 163.3177(6) (i). The Element is a new statutory requirement for all Comprehensive Plans.

(5) Update of the Infrastructure Element Goals, Objectives, and Policies to maintain coordination with the 2020 Palm Beach County Ten-Year Water Supply Facilities Work Plan, as required by Florida Statutes.

(6) Review and update of the Capital Improvements Element 5-year capital improvements schedule requirement to determine if future modifications are to be accomplished by ordinance as opposed to a Comprehensive Plan amendment. Based upon this determination, prepare appropriate amendments to the Goals, Objectives, and Policies document of the Capital Improvements Element.

(7) Update policies of the Future Land Use and Transportation Elements related to Okeechobee Boulevard.

(8) Update policies related to the content and use of the Rural Vista Guidelines and Agri-Tourism as tools to maintain and implement the Town's rural character.

### **Specific Work Tasks**

#### **A. Preparation of the Evaluation and Appraisal Report (EAR)**

*Task 1:* Prepare the EAR document, including background statements and proposed amendments to Goals, Objectives, and Policies Elements document of the Comprehensive Plan for each of the six planning issues.

*Task 2:* Conduct meetings, as necessary, with the Local Planning Agency and Town Council to review the EAR.

*Task 3:* Finalize the EAR, including proposed Goals, Objectives, and Policies.

#### **B. Preparation and Adoption of the Comprehensive Plan Amendments**

*Task 4:* Prepare a draft of the Goals, Objectives, and Policies Comprehensive Plan document amendments, including updated text and maps.

*Task 5:* Draft necessary legal ads for the Local Planning Agency (LPA) and Town Council and adoption ordinance for review by the Town Attorney.

*Task 6:* Present Goals, Objectives, and Policies Comprehensive Plan document amendments to the Local Planning Agency (LPA) at a public hearing on the matter. Present to Town Council for adoption (first reading).

*Task 7:* Transmit EAR and proposed (i.e., adopted on first reading) Goals, Objectives, and Policies Comprehensive Plan document amendments to FDEO and required local and state agencies. After transmittal, monitor the State review process.

*Task 8:* Review the State Objections Recommendations and Comments Report (ORC) and any agency objections and prepare necessary revisions to the Goals, Objectives, and Policies Comprehensive Plan document amendments necessary to gain a finding of compliance by FDEO.

*Task 9:* Draft necessary legal ad Town Council and adoption ordinance (i.e., second reading) for review by the Town Attorney.

*Task 10:* Present the Goals, Objectives, and Policies Comprehensive Plan document amendments to Town Council for adoption (second reading). Transmit adopted amendments to FDEO for a Finding of Compliance or No Objection.

*Task 11:* Update the Goals, Objectives, and Policies Comprehensive Plan document to incorporate amendments following an FDEO Finding of Compliance or No Objection.

**Projected Time-Frame – 11 Months**

Tasks 1 – 3: Four months

Tasks 4 – 9: Seven months

**Budget:**

Cost Recovery including all involved consultants - Not to exceed \$50,000.

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155 F Road Loxahatchee Groves, FL 33470

**Agenda Item # 8**

**TO: Town Council of Town of Loxahatchee Groves**  
**FROM: Elizabeth V. Lenihan, Town Attorney**  
**VIA: Francine Ramaglia, Town Manager**  
**SUBJECT: Discussion on Sign Code**

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**Background:**

The Town has an adopted sign code in Article 90 of the Unified Land Development Code (ULDC). Following changes in the law, some updates to the sign code are necessary. Town Council requested an opportunity to review and discuss the current sign code and potential changes, in addition to those required by law.

Changes in Florida law require that all sign regulations be content-neutral. Sign regulations should not include categories that are content based, such as “political signs”. More appropriately, sign regulations may address size, height, building materials, lighting, moving parts, portability, time, and location (setbacks, on-premises or off-premises). The substantive message of the sign must be irrelevant to the application of the regulations. Sign regulations must be narrowly tailored to serve a significant governmental interest, and must not foreclose an entire medium of expression. For example, a general prohibition against carrying of portable signs would be struck down while a prohibition against commercial portable signs may be upheld.

**Recommendation:**

Discuss potential changes to the sign code and provide direction to staff.

## Article 90 - SIGNS

### Section 90-005. - Purpose and intent.

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

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

### Section 90-010. - Definitions.

In addition to terms defined in Article 10, "Definitions, Abbreviations, and Construction of Terms," the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

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

*Aggregate frontage*.

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

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

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

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

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



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

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

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

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

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

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

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

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

*Campaign sign.* See "opinion sign."

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

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

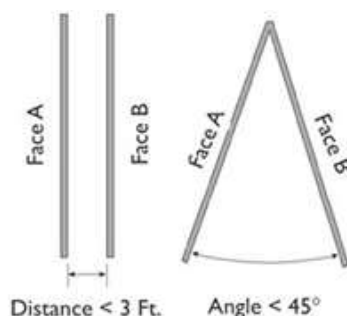
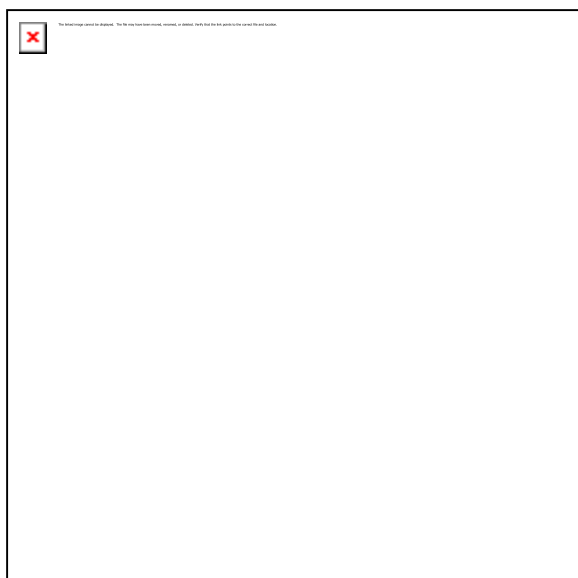
*Changeable copy sign.* A sign designed in a manner that allows the copy to be changed either manually, electronically or by any other method through the use of attachable letters, numbers, symbols or changeable pictorial panels, and other similar characters, or through internal rotating or moveable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

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

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

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

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



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

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

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

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

**Frontage.** The total distance along any street line.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Section 90-015. - Prohibited signs.**

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

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

#### **Section 90-020. - Temporary signs.**

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

- (A) Garage sale sign;

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

**Section 90-025. - General provisions for all signs.**

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

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

**Section 90-030. - Computing sign area.**

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

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

**Section 90-035. - Computing sign height.**

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

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

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

(1) *Mandatory building identification sign:*

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

(2) *Garage sale sign:*

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

(3) *Real estate sign:*

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

(4) *Seasonal or holiday signage:*

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

(5) *Opinion sign:*

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

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

(1) *Mandatory building identification sign:*

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

Attached/freestanding or both	Attached
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(2) *Awning sign:*

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

(3) *Building wall sign:*

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

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

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



Sign face area (maximum)	Regular tenants: 1 sq. ft. per one linear foot of tenant frontage, or 36 square feet, whichever is less. A minimum of 18 square feet is permitted
	Anchor tenants: 1 sq. ft. per one linear foot of anchor tenant frontage, or 60 square feet, whichever is less
	All tenants: In no case should the length of the sign exceed 75 percent of the building length or width of tenant frontage
Number of signs (maximum)	1 per tenant with an individual exterior standard entrance. Corner tenants are permitted a second wall sign at 50 percent of the square footage of the primary sign
Sign design and dimension	Carved or channel-styled letters, symbols, and logos only. Depth of lettering shall be eight inches maximum. Cabinet signs and changeable copy signs shall not be permitted
Other restrictions	A minimum of ten percent of the building or tenant frontage must be maintained as clear wall area on either end of the sign
Attached/freestanding or both	Attached

(4) *Canopy sign:*

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

(5) *Monument or panel sign:*

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

Sign face area (maximum)	60 square feet
Number (maximum)	1 per building
Sign design	Carved or channel-styled letters, symbols, and logos permitted. Cabinet signs are permitted provided that letters, symbols, and logos intrude or extrude from sign face at a minimum of 3/8 ". Changeable copy is limited to 25 percent of sign face
Sign dimensions	Maximum height of six feet and maximum length of 12 feet
Secondary signs	Drive-thrus, multi-tenant buildings, and accessory structures of 1,000 square feet or greater are permitted one secondary monument or panel sign with a maximum face area of no greater than 12 square feet. The sign structure shall be no higher or wider than five feet. All secondary signs, unless a menu sign or directory sign, shall be consistent in design with the primary sign on site. All secondary signage shall be located within 40 feet from the accessory structure and setback at least 20 feet from all property lines
Attached/freestanding or both	Freestanding

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

Sign face area (maximum)	72 square feet
Number (maximum)	1 per driveway
Sign design	Carved or channel-styled letters, symbols, and logos permitted. Cabinet signs are permitted provided that letters, symbols, and logos intrude or extrude from sign face at a minimum of 3/8 ". Changeable copy is limited to 25 percent of sign face

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

(6) *Real estate or project sign:*

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

(7) *Window sign:*

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

(8) *Holiday signage:*

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

(9) *Opinion sign:*

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

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

(1) *Mandatory building identification sign:*

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

(2) *Awning sign:*

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

(3) *Monument or panel sign:*

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

(4) *Real estate or project sign:*

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

Height	6 feet (max)
Other restrictions	Sign(s) must be removed after sale or project completion
Attached/freestanding or both	Freestanding

(5) *Seasonal or holiday signage:*

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

(6) *Window sign:*

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

(7) *Opinion sign:*

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

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

(1) *Mandatory building identification sign:*

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

(2) *Awning sign:*

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

(3) *Monument or panel sign:*

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

(4) *Real estate or project sign:*

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

(5) *Seasonal or holiday signage:*

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

(6) *Opinion sign:*

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

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

(1) *Mandatory building identification sign:*

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

(2) *Monument or panel sign:*

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

Attached/freestanding or both	Freestanding
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(3) *Opinion sign:*

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

**Section 90-045. - Temporary signs.**

- (A) A permit as required in Section 05-040 shall be obtained for any temporary sign six square feet or larger in size.
- (B) No more than four temporary signs shall be erected per plot for any period of time.
- (C) Temporary signs shall not be larger or higher than any permanent sign permitted on the premises where the sign will be located.
- (D) No temporary sign shall be placed on public property or in a public ingress/egress easement. Signs placed in violation of this provision shall be considered abandoned and shall be subject to removal without notice by the Town.
- (E) Lighting of temporary signs is prohibited.
- (F) Unless otherwise stated, temporary signs shall be removed within six months from the date that the sign was erected.

**Section 90-050. - Promotional signs.**

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

(1) *Balloon sign:*

Sign face area (maximum)	No maximum
Number (maximum)	1 per establishment

Sign dimensions	Maximum height of 25 feet and maximum length (and width) of 24 feet
Attached/freestanding or both	Freestanding

(2) *Banner or pennant sign:*

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

(3) *Mobile sign:*

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

- (B) A permit as required in Section 05-040 shall be obtained for any promotional sign.
- (C) No permit shall be issued for a period exceeding 14 consecutive days.
- (D) No more than four such permits shall be issued to any one establishment in any one calendar year.

- (E) No permit shall be issued for promotional signs within 28 consecutive days of the issuance of any previous promotional sign permit for the same establishment on the same plot.
- (F) All promotion signs shall be illuminated by external lighting only.
- (G) All promotional signs shall be setback a minimum of 50 feet from any adjacent residential zoning district.

**Section 90-055. - Billboards.**

- (A) The Town shall uphold and continue the prohibition on billboards and similar off-site signs instituted by Palm Beach County, however, this prohibition shall not restrict the repair, maintenance, relocation, or replacement of billboards constructed consistent with applicable codes and permit procedures prior to November 15, 1988, and included within the Palm Beach County billboard stipulated settlement agreement and billboard survey (approved February 6, 1996). The stipulated settlement agreement referred to herein shall be the primary source of information for implementing the intent and purpose of the regulations governing billboards and similar off-site signs.
- (B) All further rights, responsibilities, exceptions, requirements, and rules concerning the permitting and amortization of billboards and similar off-site signs shall be outlined in Chapter H of Article 8 of the Palm Beach County Code, as amended, and hereby adopted by the Town of Loxahatchee Groves.

**Section 90-060. - Flags.**

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

**Section 90-065. - Landscaping around signage.**

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

**Section 90-070. - Sign permit requirements.**

- (A) No permanent sign, promotional sign, billboard, or temporary sign larger than six square feet in area or height, shall be placed or altered on any plot until a permit has been issued by the Town consistent with Section 05-040.
- (B) Sign permit applications shall, at a minimum, contain and be accompanied by the following:
  - (1) An indication of the specific type of sign and design;
  - (2) The address and legal description of the plot where the sign will be located;
  - (3) A sign plan, drawn to scale, showing the dimensions, square foot area, sign face, copy, height of letters, height of sign, colors, lighting, and the sign structure;
  - (4) The location and type of all other signs on the same plot;
  - (5) A copy of the master signage plan for the development, if applicable;
  - (6) For building wall signs, the building frontage and height of the building wall, parapet, or facade of the building;
  - (7) For window signs, the area of such windows to be used for signs;
  - (8) An indication of the landscaping to surround the proposed sign.
- (C) Permit issuance. If, upon review, it is determined that an application is in accordance with the provisions of this article, a permit shall be issued in accordance with Section 05-040 of this Code. Fees for permits shall be in accordance with the schedule established by the Town.

- (D) Signs erected without permits.
  - (1) Signs that were not lawfully permitted and do not comply shall be removed immediately upon receipt of notice from Town Code compliance personnel.
  - (2) Signs that were not lawfully permitted but which comply fully with this article shall require a permit within 30 days from receipt of notice from Town Code compliance personnel.
- (E) Permit revocation. Permits for signs may be revoked by Town Code compliance personnel if it is determined that any sign fails to comply with the terms of this article and the owner of such sign fails to bring the sign into conformity within 30 days from receipt of any written notice of noncompliance. Revocation of a sign permit shall require removal of the sign in violation.
- (F) Permit exemptions. Permits shall not be required for the following signs:
  - (1) Temporary signs six feet in area or height or less;
  - (2) Holiday signage;
  - (3) Murals;
  - (4) Flags;
  - (5) Public service signs;
  - (6) Traffic control signs;
  - (7) Any sign on a plot, or portion of a plot, used as a farm and pertaining to farm activities.

**Section 90-075. - Nonconforming signs.**

- (A) Any permanent sign, excluding billboards and similar signs which are governed by Section 90-055, that was legally erected but does not conform to all provisions of this article shall come into compliance within five years of the effective date of these regulations, except that permanent signs must immediately comply should any of the following events transpire:
  - (1) A change of copy is required on a sign pertaining to a single entity;
  - (2) A change of copy is required for 50 percent or more of a sign pertaining to multiple entities.
  - (3) The sign is abandoned as defined in Section 90-010, "Definitions."
  - (4) The sign must be relocated for any reason.
  - (5) The permit for the sign expires.
- (B) Nonconforming signs may be refurbished or repaired provided no structural alterations are involved.
- (C) Signs or sign structures which were never lawfully permitted shall not be determined as legally nonconforming signs and shall be subject to immediate removal without the benefit of any amortization period.

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155 F Road Loxahatchee Groves, FL 33470

**Agenda Item # 09**

**TO: Town Council of Town of Loxahatchee Groves**

**FROM: Francine Ramaglia, Town Manager**

**DATE: October 18, 2022**

**SUBJECT: Discussion on the Veteran's Day Ceremony**

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**Background:**

We are in process of preparing a special events calendar to be approved by Council at the November 1st meeting. With Veteran's Day upon us, we wanted to start the discussion.

**Recommendation:**

Staff recommends Town Council discuss and direct staff regarding the upcoming special events starting with the Veteran's Day Ceremony.