

TOWN OF LOXAHATCHEE GROVES
TOWN HALL COUNCIL CHAMBERS
TOWN COUNCIL REGULAR MEETING AGENDA

NOVEMBER 7, 2023



Laura Danowski, Mayor (Seat 2)

Phillis Maniglia, Councilmember (Seat 1)

Robert Shorr, Vice Mayor (Seat 4)

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

PRESENTATION

1. Presentation update from Florida Power & Light.

CONSENT AGENDA

2. Consideration of approval of Meeting Minutes.
 - a. October 3, 2023 Town Council Community Open Discussion Meeting Minutes
 - b. October 3, 2023 Town Council Regular Meeting Minutes
 - c. October 17, 2023 Town Council Community Open Discussion Meeting Minutes
3. Consideration of **Resolution No. 2023-78** approving Town Events for the FY 24 year.
4. Consideration of **Resolution No. 2023-79** approving Removal of Specimen Tree at 14964 Snail Trail
5. Consideration of **Resolution No. 2023-80** approving Removal of Specimen Trees at 3556 B Road
6. Consideration of **Resolution No. 2023-81** approving Removal of Specimen Trees at 14120 6th Court

PUBLIC HEARING

7. Consideration of **Ordinance No. 2023-13** on first reading Amending election for date and vacancies
8. Consideration of **Ordinance No. 2023-15** on first reading on Agricultural and Agritourism.

DISCUSSION

9. Discussion and direction regarding Prescriptive Easement.
10. Discussion regarding Roadway and Drainage update.

TOWN STAFF COMMENTS

Town Manager

Town Attorney

Public Works Director

Town Clerk

TOWN COUNCILMEMBER COMMENTS

Councilmember Phillis Maniglia (Seat 1)

Councilmember Marianne Miles (Seat 3)

Councilmember Margaret Herzog (Seat 5)

Vice Mayor Robert Shorr (Seat 4)

Mayor Laura Danowski (Seat 2)

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 it out completely with your full name and address so that your comments can be entered correctly in the minutes and given 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 comments. 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 accommodation 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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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 1

TO: Town Council of Town of Loxahatchee Groves
FROM: Francine L. Ramaglia, Town Manager
DATE: November 7, 2023
SUBJECT: Presentation update from Florida Power & Light

Background:

Presentation from Florida Power & Light.

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 2

TO: Town Council of Town of Loxahatchee Groves

FROM: Lakisha Burch, Town Clerk

VIA: Francine Ramaglia, Town Manager

DATE: November 7, 2023

SUBJECT: Meeting Minutes

Staff recommends approval of the attached meeting minutes.



TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL COMMUNITY OPEN DISCUSSION MINUTES

OCTOBER 3, 2023

Meeting audio available in Town Clerk's Office
Meetings are also available on YouTube.

CALL TO ORDER

Mayor Danowski called the meeting to order at 6:00 p.m.

PRESENT

Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Town Manager Ramaglia, Town Attorney Torcivia, Assistant Public Works Director Matos, and Town Clerk Burch.

COMMENTS FROM THE PUBLIC

There were public comments from the following: Katie Lakeman, Todd McLendon, Frank Schmidt, and Cassie Suchy.

Katie Lakeman spoke about Code Enforcement, and parking of semi-trucks on the corner of C and Okeechobee Blvd.

Todd McLendon spoke about the roads, and votes. Vice Mayor Shorr responded to Mr. McLendon regarding the conditions of the roads that have been paved. There was a discussion between the Town Council and Mr. McLendon.

Frank Schmidt spoke about the roads in which he lives on (paving) he doesn't feel that they are not important enough. There was dialogue between Mr. Schmidt and the Town Council. Mayor Danowski stated that if she was given a date that she would meet with him and his neighbors.

Cassie Suchy spoke about looking into traffic enforcement at Okeechobee Blvd. She needs to have a conversation with Town Manager Ramaglia. Ms. Suchy also stated she is aware of the difficult time-want elected officials to be honest. Vice Mayor Shorr responded to Ms. Suchy's comments.

ADJOURNMENT

The workshop was adjourned at 6:33 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Laura Danowski

Vice Mayor Robert Shorr

Council Member Marge Herzog

Council Member Phillis Maniglia

Council Member Marianne Miles

3. Consideration of **Resolution No. 2023-69** approval of ratification of expenditures in excess of \$25,000.00 for FY23 and authorizing payment for FY24.
4. Consideration of **Resolution No. 2023-68** authorizing Surplus Items in the Public Works department.

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

REGULAR AGENDA

5. Consideration of **Resolution No. 2023-70** expressing support for the extension and continuation of the Palm Beach County One-Cent Sales Surtax to Fund Local Infrastructure Projects through December 31, 2036.

Town Manager Ramaglia presented the item to the Town Council expressing support for the extension and continuation of the Palm Beach County One-Cent Sales Surtax to Fund Local Infrastructure Projects through December 31, 2036.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Resolution No. 2023-70 expressing support for the extension and continuation of the Palm Beach County One-Cent Sales Surtax to Fund Local Infrastructure Projects through December 31, 2036; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

DISCUSSION

6. Discussion of potential Wellington Annexation of 249 acres to the west of the Town.

Town Manager Ramaglia presented the item to the Town Council by introducing Ms. Patricia Bane. Ms. Bane presented a PowerPoint presentation to the Town Council which included review proposed annexation by the Village of Wellington, compare current County land use with potential Village land use, consider County maps of the rural area and Comprehensive Plan directions, evaluate annexation process, and review Town Council options.

Town Manager Ramaglia gave an update, she also stated that we have not had any conversation with the landowners of the properties. She feels that the County has the overall standing in this situation.

Councilmember Maniglia asked Ms. Bane did she worked for the County; Ms. Bane clarified that she works for the Town. She also stated that she would discuss her concerns with the Town Manager and Town Attorney. Why Rustik Ranches.

There was a public comment from Cassie Suchy.

Vice Mayor Shorr stated as right now the County has a r4. Support Options 2 or 3.

There was consensus by the Town Council for staff to DRAFT a letter and bring back to the Town Council complete option 2 as well as option 3 drafting of a letter.

7. Update on Canal restoration and roads.

Asst. Public Works Director Matos presented the item to the Town Council. Mr. Kurtz also added additional information to the Town Council regarding canal restoration and roads.

Councilmember Miles stated the following: Tangerine Road -Mr. Kurtz responded by stating that there needed to be drainage issues that needed to be addressed. There was conversation among Councilmember Miles and Mr. Kurtz.

Councilmember Maniglia asked why the Council is dictating what roads are paved. She also spoke about drainage, and nothing has been done, should be left up to staff. She also spoke about a bond that was voted on but was never used. Should vote on the budget of paving but not what roads should be paved. The council needs to back off and allow staff to do their jobs.

Vice Mayor Shorr asked what was learned that we should be put in the bid, which is don't touch the bream. He continued to express his concerns. He also spoke about canal banks has been an issue from the binging. Like to see us move forward to repairing the canal banks. He asked APWD Matos what is are we doing about a long-term situation. Mr. Matos responded. There continued to be dialogue between Mr. Matos and Vice Mayor Shorr.

Mayor Danowski commented about residents holding up progress regarding easement. Work within the scope of roadway in which we have. Stated staff created the mess so staff needs to fix it.

There was consensus to look at 25th and make it a neighborhood road so that a price can be given to complete the road. With the consensus Councilmember Maniglia stated she would agree with her fellow Councilmember, but she stated her disagreement as well.

8. Discussion and direction regarding Seasonal Special Events.

Town Manager Ramaglia presented the item to the Town Council stating that the Town's current special event regulations limit the number of special events that can occur on any one property to 3 events not exceeding 3 days in length per year on any one property. The regulations seem to be directed at and work fairly well for churches and charitable events. In reality, there are more frequent, yet intermittent types of activities that occur in Town and are generally consistent with a rural lifestyle and atmosphere and serve the demonstrated needs of the community that are in the realm of recreational/entertainment but need to have a more extended time frame or series of time frames to operate and yet are not truly permanent venue.

There was a public comment made by Cassie Suchy.

Councilmember Maniglia asked what is camps and camping? Town Manager Ramaglia responded. She also stated that there is a need to beef up Sheriff presence with directing traffic on Sunday for church services. Town Attorney Lenihan also responded to her comments.

Councilmember Herzog spoke about equestrian camps are already in Town. Groups that have events

Vice Mayor Shorr stated that all of these places have occupancy limits. He continued to give his thoughts.

TOWN STAFF COMMENTS

Town Manager

Town Manager spoke about the State regarding Rural Designation with great reception. Someone has come in regarding easements. Spoke about the termination of SAFEbuilt and building official.

Town Attorney

Public Works Director

Town Clerk

- Spoke about one meeting a month-Consensus to have Town Council bring back an ordinance to become the LPA. Have 2 meetings in November, one in December and starting the binging of the year to one meeting per month.
- Public Records Software
- Website Changes
- Veteran's Day Sunday, November 12, 2023, from 9:00-11:00 (breakfast will be served)
- Contact Town Crier, will partner with LGLA with regarding banner on Okeechobee Blvd.

TOWN COUNCILMEMBER COMMENTS

Marge Herzog (Seat 5)

- Discussion of neighbor roads be discussed. Town Manager Ramaglia responded.
- Historic Legacy - ending date
- Storage shed to be removed can't get corporation for the utility companies.

Phillis Maniglia (Seat 1)

- FPL will come to speak about the underground.
- Flooding on Okeechobee Blvd.

Marianne Miles (Seat 3)

- FPL
- SAFEbuilt-handing of permits. The Town Manager responded. Spoke about GovEZ. Flood Plan so engineers are out for the money - some are not as hard as they are making it. Building Official
- Code RED message of nuisance ordinance.
- Sign in Publix plaza.

Vice Mayor Robert Shorr (Seat 4)

- Oct 2024 effects our EAR. Town Attorney responded. The new code cycle will change in January 2024.
- Appropriation request 750,000. The Town Manager responded. He also stated with Rep. Roth regarding a comment Councilmember Maniglia made at the last meeting and Rep. Roth stated he didn't make the comment. Councilmember Maniglia stated she would be calling him tomorrow and that he did say it.
- Speed limit signs on Okeechobee.
- Excited about the new Public Works Director.

Mayor Laura Danowski (Seat 2)

- Wellington Chamber of Commerce for the Holiday parade.
- Spoke about private canal flow - how do Town make them comply.

ADJOURNMENT

The workshop was adjourned at 10:00 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Laura Danowski

Vice Mayor Robert Shorr

Council Member Marge Herzog

Council Member Phillis Maniglia

Council Member Marianne Miles



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL COMMUNITY OPEN DISCUSSION WORKSHOP
OCTOBER 17, 2023**

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

CALL TO ORDER

Mayor Danowski called the meeting to order at 6:00 p.m.

PRESENT

Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Town Manager Ramaglia, Town Attorney Lenihan, Public Works Director Peters, and Town Clerk Burch.

COMMENTS FROM THE PUBLIC

There were public comments made by the following: Frank Schiola, Virginia Standish, and Cassie Suchy.

Mr. Schiola spoke about the maintenance of the Town. He states that there is nothing getting done. Why is maintenance not getting done but most importantly let's get it done. Mr. Peters, Director of Public Works stated that he would not like to respond. Town Manager Ramaglia responded that she would respond. She also stated that she would have liked it for Mr. Schiola would have come and spoke with her before airing this in this type of forum. She also gave an update of what has been taking place in the Public Works Department. Mr. Schiola stated that he would make an appointment to speak with Town Manager Ramaglia. Councilmember Maniglia stated that she thanked Mr. Schiola for bringing this topic up and she feels that since meagering she feels that our Public Works' department should be focusing strictly on maintaining the Town. Vice Mayor Shorr stated that road maintenance is the priority of Public Works'. He also spoke about the trees. There continued to be discussion between Mr. Schiola and the Town Council.

Virginia Standish spoke about where the Town is in discussion with FPL about repairing culverts that have been damaged. There continued to be discussion between Ms. Standish and the Town Council.

Councilmember Herzog spoke about FPL poles that needs to be removed.

Cassie Suchy spoke about mowing the lawn and easements. Contractors need to be aware of easements on private property. Speaking about the pavement on B Road where the sinkhole was, she took a picture of it and will send it to the Town Hall. When mowing/tree trimming.

Vice Mayor Shorr asked how we are going to handle this, Town Manager Ramaglia responded.

Mayor Danowski spoke about prescriptive easement works. Town Attorney Lenihan responded by giving what the meaning of prescriptive easement is and how it works. There continued to be discussion among Mayor Danowski and Town Attorney Lenihan. Councilmember Maniglia stated that she has a perfect example of this topic. Town Attorney Lenihan stated that she didn't have enough information to comment on her question. Vice Mayor Shorr asked a question regarding this, and Town Attorney Lenihan responded to his questions.

ADJOURNMENT

The workshop was adjourned at 6:30 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Laura Danowski

Vice Mayor Robert Shorr

Councilmember Marge Herzog

Councilmember Phillis Maniglia

Councilmember Marianne Miles



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
DATE: November 7, 2023
SUBJECT: Consideration of *Resolution No. 2023-78* Annual Sponsorship and Events

Background:

It has been discussed that each year the Town Council will approve annual scholarships and/or events that will be sponsored or given by the Town by a resolution.

Recommendation:

Move to adopt *Resolution No. 2023-78* approving annual sponsorships and events.

RESOLUTION NO. 2023-78

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING ANNUAL SPONSORSHIPS AND EVENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 9(3) of the Charter of the Town of Loxahatchee Groves (“Town Charter”) requires the Town Council approve any charitable contributions to be made by the Town; and

WHEREAS, the Town Council desires to make charitable contributions for the fiscal year; and

WHEREAS, the Town Council finds it is in the best interest of the Town of Loxahatchee Groves and serves a public purpose to make charitable contributions.

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

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

Section 2. The Town Council of the Town of Loxahatchee Groves hereby approves the following sponsorships for the 2023-2024 fiscal year:

- Loxahatchee Groves Elementary School PTO – for the carnival and other events
 - Amount: \$ 500.00
- Loxahatchee Groves Scholarship
 - Amount: \$1,000.00

Section 3. The Town Council of the Town of Loxahatchee Groves hereby approves the following Town Special Events for the 2023-2024 fiscal year, with a total not to exceed budget of \$15,000.00 for all Town Special Events:

- Veteran’s Day Celebration November 12, 2023

- Western Communities Holiday Parade December 10, 2023
- Holiday Gratitude Basket December 15, 2023
- Family Fun Day/Chili Cook-off TBD
- Back to School Backpack Drive July 27, 2024

Section 4. The Town Council of the Town of Loxahatchee Groves hereby approves the participation by Town Council in following events for the 2023-2024 fiscal year:

- Loxahatchee Groves Elementary School PTO carnival and other events
- Western Communities Holiday Parade

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

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

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

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Office of the Town Attorney

Councilmember Phillis Maniglia

Councilmember Marianne Miles



Town of Loxahatchee Groves

155 "F" Road • Loxahatchee Groves, Florida 33470 • Telephone (561) 793-2418 • Fax (561) 793-2420

Agenda Item #4

TO: Francine Ramaglia, Town Manager
Town of Loxahatchee Groves

FROM: Jim Fleischmann
Town Planning Consultant

RE: 14964 Snail Trail Specimen Tree Report

DATE: October 30, 2023

The owners of the property located at 14964 Snail Trail, Chad and Coagi Long have applied for a Tree Removal Waiver to remove three specified native trees within the 50-foot safety buffer around the residential structure.

Ms. Long, on behalf of the owners, has worked diligently with to design a proposed equestrian facility on the property in a manner to preserve native trees to the maximum extent while implementing the proposed development concept.

Per ULDC Section 87-035(C) (2) (i), specimen trees are not subject to cutting, relocation, or mitigation without Town Council approval. To satisfy this requirement, the following data is extracted from the tree survey prepared by Compass Surveying:

A. Native Specimen Trees Subject to the Waiver Permit:

Total of 3, according to the following distribution by species: Oak – 3.

B. Native Specimen Trees to be Removed: Total of 3 Oaks.

C. Native Specimen Trees to be Retained: None.

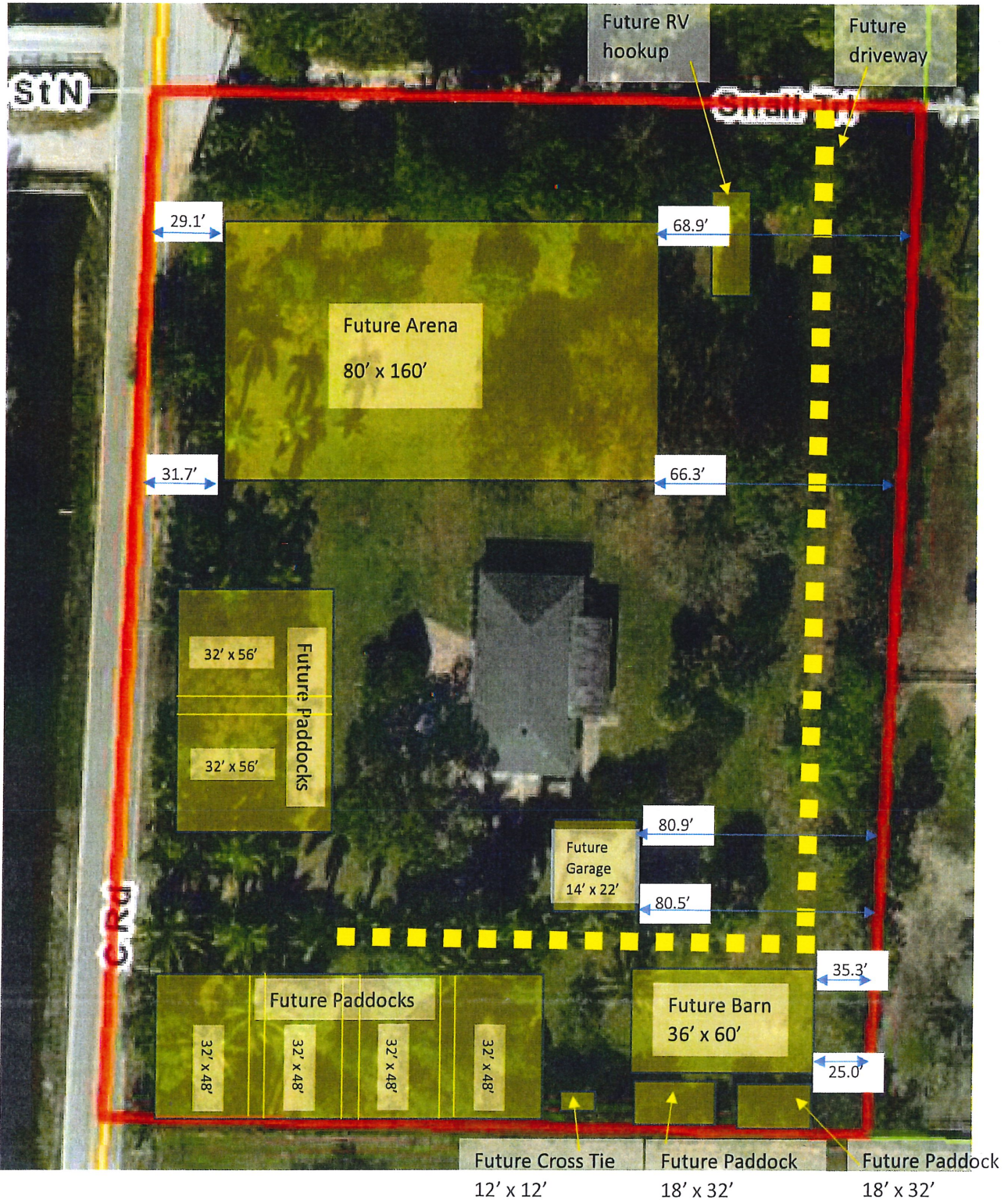
A site plan indicating the location of proposed improvements is attached. The Specimen Trees to be removed are located within the 50-foot buffer around the residence.

A Tree Removal Waiver has been approved by the Town subject to obtaining Council approval to remove the three Specimen Trees.. .

Respectfully submitted,

Jim Fleischmann
Town Planning Consultan

Site Plan: 14964 Snail Trail, Loxahatchee, FL 33470



TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2023-79

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA APPROVING REMOVAL OF SPECIMEN TREES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves desires to protect the tree canopy throughout the Town; and

WHEREAS, Chad and Coagi Long (Owners) own property within the Town located at 14964 Snail Trail (Property); and

WHEREAS, the Owners desire to remove three (3) native specimen oak trees from the Property in accordance with a submitted Residential Vegetative Clearing Exemption and Waiver Application; and

WHEREAS, pursuant to Section 87-035 of the Town’s Unified Land Development Code, cutting, relocation and mitigation of specimen trees must be approved by the Town Council.

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

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

Section 2. The Town Council hereby approves removal of the three (3) native specimen oak trees on the Property identified for removal in the Vegetative Clearing Exemption and Waiver Application;

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 upon its adoption.

THE REMAINDER OF THIS PAGE IS LEFT BLANK

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

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

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 7th DAY OF NOVEMBER 2023.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

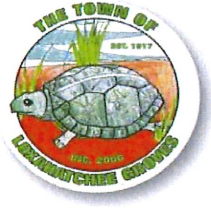
APPROVED AS TO LEGAL FORM:

Councilmember Phillis Maniglia

Office of the Town Attorney

Councilmember Marianne Miles

Councilmember Margaret Herzog



Town of Loxahatchee Groves

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Agenda Item #5

TO: Francine Ramaglia, Town Manager
Town of Loxahatchee Groves

FROM: Jim Fleischmann
Town Planning Consultant

RE: 3556 B Road Specimen Tree Report

DATE: October 30, 2023

The owner of the property located at 3556 B Road, Anita Brady, has received administrative approval of a Residential Vegetative Clearing Exemption Acknowledgement and Residential Vegetation Clearing Waiver to remove non-native and specified native trees on the property. In addition, Ms. Brady has filed a Vegetation Removal Permit Application (Application) to remove additional native trees on the property in order to accommodate a stormwater retention pond required by the Floodplain Development Application (FDA) associated with construction of her future residence. The Application includes the proposed removal of native specimen trees.

Ms. Brady has worked diligently with staff to plan the proposed single-family residential development in a manner to preserve native trees to the maximum extent while implementing the required stormwater management pond.

Per ULDC Section 87-035(C) (2) (i), specimen trees are not subject to cutting, relocation, or mitigation without Town Council approval. To satisfy this requirement, the following data is extracted from the tree survey prepared by Stormwater J Engineering:

A. Inventory of Native Trees on the Property within the Stormwater Retention Pond area:

Total of 55 with a DBH of 2 inches or more.

B. Native Trees Subject to the Vegetation Removal Permit:

Total of 55, according to the following distribution by species: Cabbage Palms – 15; Laurel Oak – 9; and Slash Pine – 31

C. Native Specimen Trees Subject to the Vegetation Removal Permit:

Total of 12, all of which are Slash Pine

D. Native Specimen Trees to be Removed:

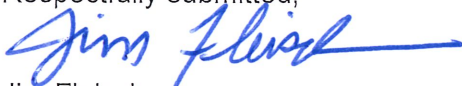
Total of 12, all of which are Slash Pine

A site plan indicating the location of the stormwater retention pond is attached. All 12 of the Specimen Trees to be removed are located in this area.

Tree Removal Mitigation Tables, a Mitigation Cost Estimate, and a Mitigation Plan will be incorporated within the associated Vegetation Removal Permit.

Mitigation in the amount of \$9,375 (materials price) is required to compensate for the removal of Specimen Trees should a replanting mitigation option be selected. A final Mitigation Plan will be incorporated within the Vegetation Removal Permit.

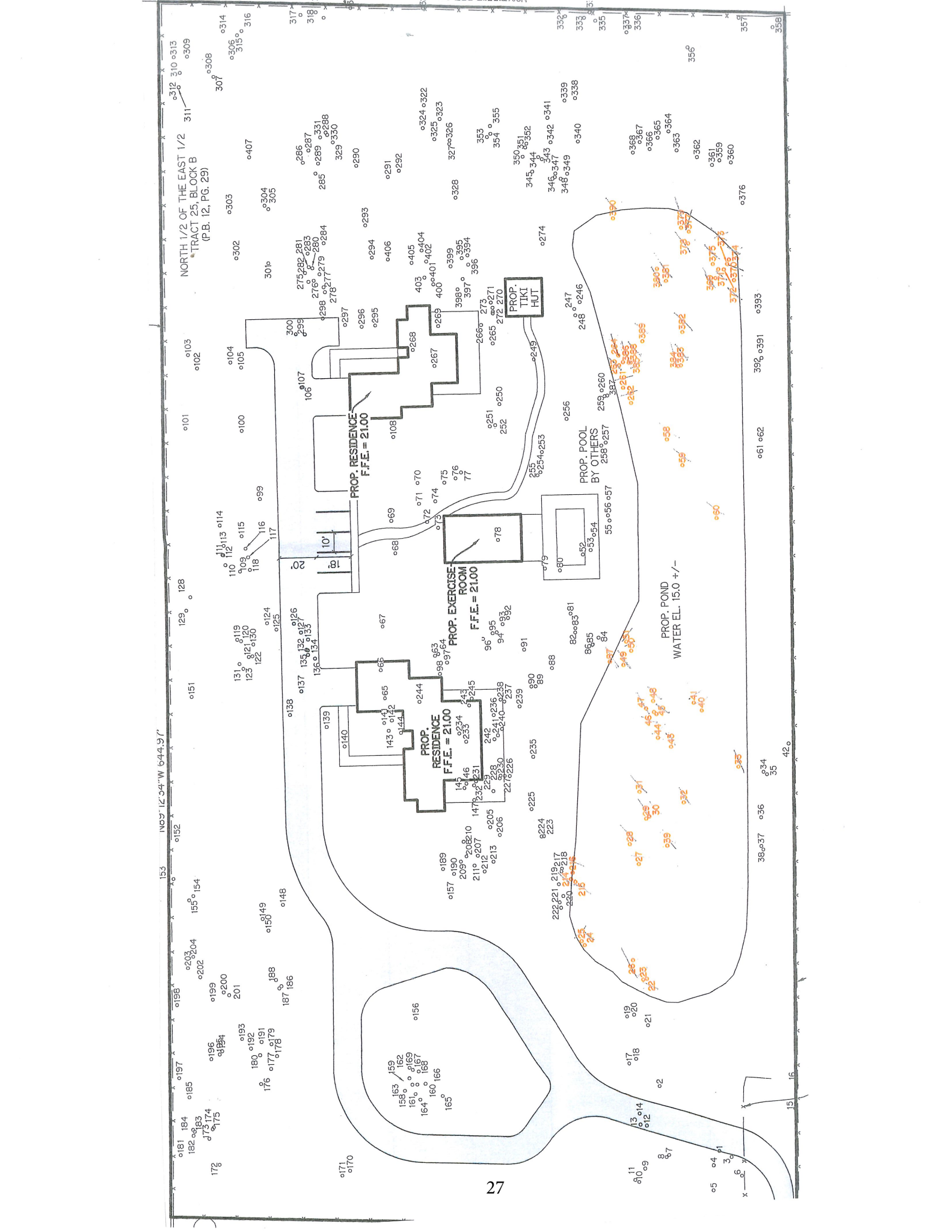
Respectfully submitted,

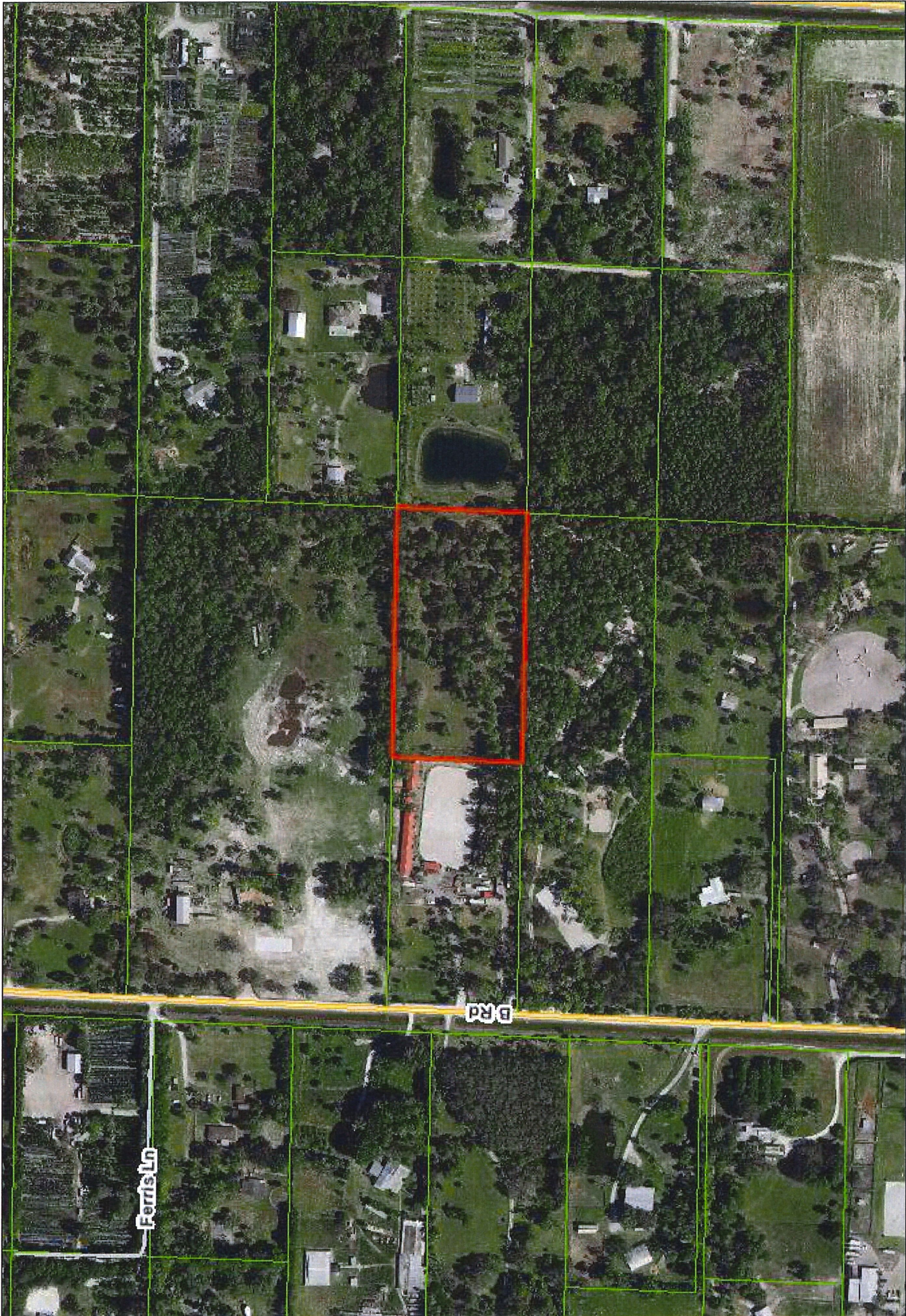


Jim Fleischmann
Town Planning Consultant

Attachments:

1. Site Plan identifying the location of Specimen Trees to be removed.
2. Current Aerial Photograph of 3556 B road

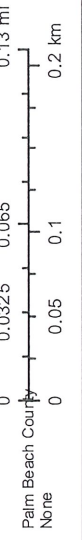




Created by: Palm Beach County October 23, 2023

3556 B Road

1:4,514



BRD

Ferts Ln

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2023-80

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA APPROVING REMOVAL OF SPECIMEN TREES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves desires to protect the tree canopy throughout the Town; and

WHEREAS, Anita Brady (Owner) owns property within the Town located at 3556 B Road (Property); and

WHEREAS, the Owner desires to remove twelve (12) native pine specimen trees from the Property in accordance with the associated Vegetation Removal Permit Application; and

WHEREAS, the removal of the twelve (12) native pine specimen trees from the Property is in accordance with the approved Floodplain Development Application (FDA); and

WHEREAS, pursuant to Section 87-035 of the Town’s Unified Land Development Code, cutting, relocation and mitigation of specimen trees must be approved by the Town Council.

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

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

Section 2. The Town Council hereby approves removal twelve (12) native pine specimen trees on the Property identified for removal in the associated Vegetation Removal Permit Application.

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 upon its adoption.

THE REMAINDER OF THIS PAGE IS LEFT BLANK

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

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

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 7th DAY OF NOVEMBER 2023.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Phillis Maniglia

Office of the Town Attorney

Councilmember Marianne Miles

Councilmember Margaret Herzog



Town of Loxahatchee Groves

155 "F" Road • Loxahatchee Groves, Florida 33470 • Telephone (561) 793-2418 • Fax (561) 793-2420

Agenda Item #6

TO: Francine Ramaglia, Town Manager
Town of Loxahatchee Groves

FROM: Jim Fleischmann
Town Planning Consultant

RE: 14120 6th Court North Specimen Tree Report

DATE: October 31, 2023

The owner of the property located at 14120 6th Court North, SC Stables LLC, has applied for Council approval to remove specified native trees in preparation for the assignment of an Equestrian bona fide agriculture Use Code by the Palm Beach County Property Appraiser.

Mr. Senan Hayes, on behalf of the owner, has worked diligently with staff to design the proposed facility in a manner to preserve native trees to the maximum extent while implementing the proposed equestrian complex.

Per ULDC Section 87-035(C) (2) (i), specimen trees are not subject to cutting, relocation, or mitigation without Town Council approval. To satisfy this requirement, the following data is extracted from the tree survey prepared by Stormwater J Engineering:

A. Inventory of Specimen Trees on the Property:

Total of 8.

B. Native Specimen Trees Subject to the Vegetation Removal Permit:

Total of 8, according to the following distribution by species: Laurel Oak – 4; and Slash Pine 4.

C. Native Specimen Trees to be Removed:

Total of 2; one Slash Pine and one Laurel Oak


D. Native Specimen Trees to be Retained:

Total of 6: Laurel Oak -3; and Slash Pine -3.

A proposed site plan indicating the location of the proposed bona fide agriculture equestrian facility is attached. The Specimen Trees to be removed (#4 and #52) are identified on the attached site plan.

A Tree Removal Permit shall be approved by the Town requiring the owner to mitigate in accordance with the Tree Replacement Tables in Attachment C of the Vegetation Removal Permit.

Respectfully submitted,



Jim Fleischmann
Town Planning Consultant

Attachments:

1. Site Plan identifying the location of the Specimen Trees to be removed.

REVISIONS	
No.	DESCRIPTION
1	ADD TREES
BY	DATE

PROJECT ADDRESS
1420 6th COURT NORTH
LOVATAPRICH, FLORIDA 33470

16889 W Edinburg Dr • Lovataprich, FL 33470
www.djgsurveying.com
PHONE: 854-675-7241 • EMAIL: info@djgsurveying.com

DJG Surveying and Mapping, Inc.

JOB NO. 22-0518
DRAWN BY: MARK
CHECKED BY: DJG
SCALE: 1" = 30'

Not valid without an original signature and electronic signature and original related seal of a Professional Surveyor and Mapper Surveyor and Mapper

05/30/2023
DENNIS A. GABRIELE
Professional Surveyor and Mapper
State of Florida

Digitally signed by
Dennis A. Gabriele
DN: cn=Dennis A. Gabriele, o=Dennis A. Gabriele, ou=Professional Surveyor and Mapper, email=Dennis.A.Gabriele@djgsurveying.com, c=US

CHEET NO. 1 of 2



- LEGEND:**
- ANCHOR
 - BACK FILL PREVENTER
 - CEILING ELECTRIC
 - HAND WOOD TRUSS
 - PAVILION
 - PIKE TREE
 - WAL POST
 - WOOD POPEE POLE
- PUBLIC PALM BEACH COUNTY RECORDS
O.C.B. OFFICIAL RECORDS BOOK P.B. PLAT BOOK

SURVEYOR'S NOTES:

The Bearings shown herein are referenced to the North line of Lot 3, **LOVATAPRICH PHASE EAST**, according to the plat thereof, as recorded in Public Book 83, Page 195, of the Public Records of Palm Beach County, Florida.

Stake line bears South 89°12'37" East.

Elevations shown herein are based on GPS observations as collected through the Florida Permanent Reference Network and are referenced to the North American Vertical Datum of 1988.

This survey was prepared without benefit of a title commitment.

There may be other structures located that affect the property shown herein which may be found in the Public Records of Palm Beach County, Florida.

All records shown herein are referenced to the Public Records of Palm Beach County, Florida.

LEGAL DESCRIPTION:

A portion of Lot 3, **LOVATAPRICH PHASE EAST**, according to the plat thereof, as recorded in Public Book 83, Page 195, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Lot 3;

Thence South 89°12'37" East, along the North line of said Lot 3, a distance of 391.67 feet to the Point of Beginning;

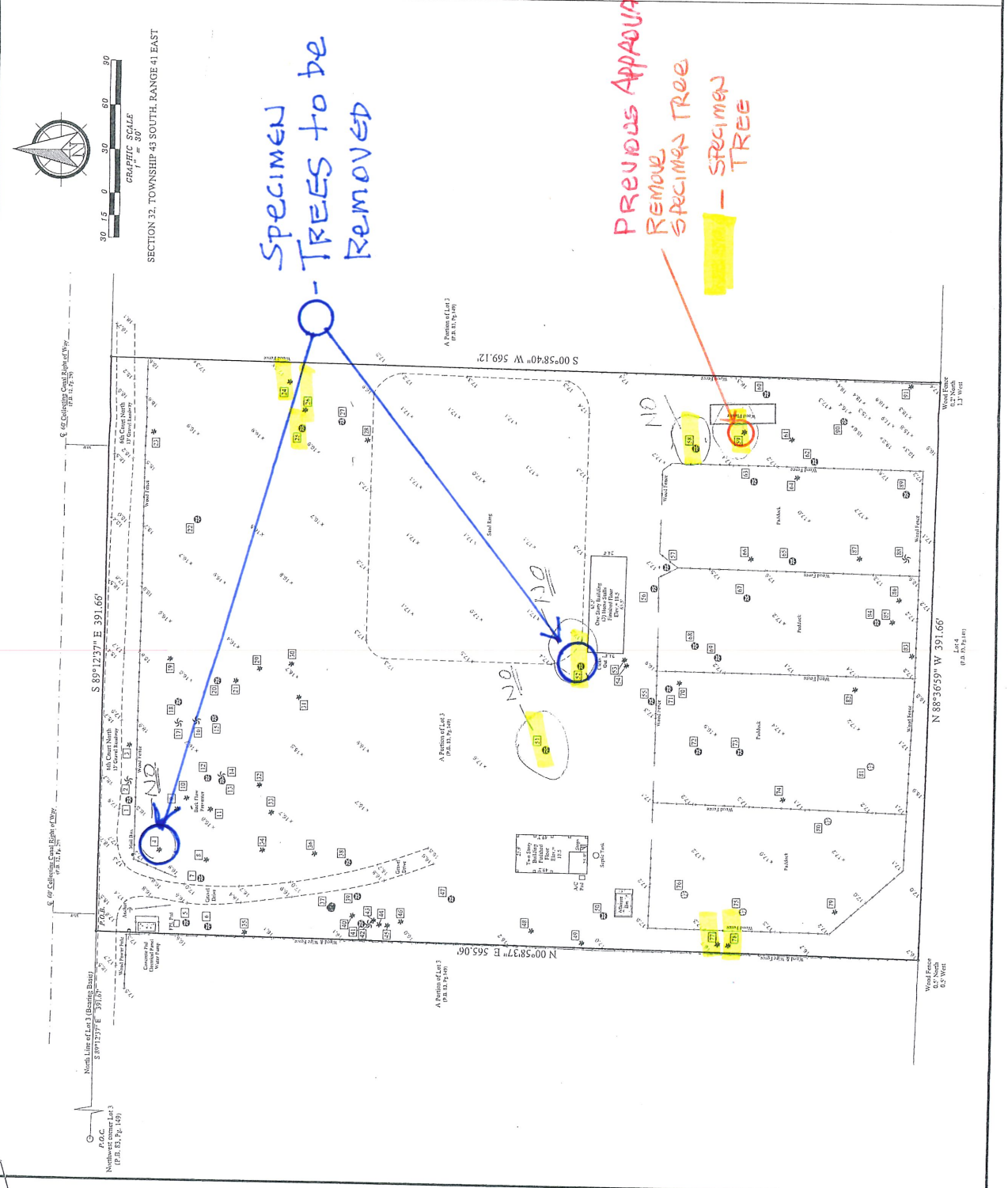
Thence continue South 89°12'37" East, along the West line of said Lot 3, a distance of 391.66 feet;

Thence South 00°55'42" West, a distance of 569.12 feet to a point on the South line of said Lot 3;

Thence North 88°36'59" West, along said South line, a distance of 391.66 feet;

Thence North 00°55'42" East, a distance of 565.66 feet to the Point of Beginning.

Said lands lying and being in the Town of Lovataprich, Palm Beach County, Florida, and containing 2,210.13 square feet (5.099 acs), more or less.



TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2023-81

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA APPROVING REMOVAL OF SPECIMEN TREES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves desires to protect the tree canopy throughout the Town; and

WHEREAS, SC Stables, LLC (Owner) owns property within the Town located at 14120 6th Court North (Property); and

WHEREAS, the Owner desires to remove two (2) native specimen trees; one (1) slash pine tree and one (1) laurel oak tree from the Property in accordance with a submitted Vegetation Removal Permit Application; and

WHEREAS, pursuant to Section 87-035 of the Town’s Unified Land Development Code, cutting, relocation and mitigation of specimen trees must be approved by the Town Council.

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

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

Section 2. The Town Council hereto approves removal of the two (2) native specimen trees; one (1) slash pine tree and one (1) laurel oak tree on the Property identified for removal in the Vegetation Removal Permit Application as submitted.

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 upon its adoption.

THE REMAINDER OF THIS PAGE IS LEFT BLANK

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

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

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 7th DAY OF NOVEMBER 2023.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Phillis Maniglia

Office of the Town Attorney

Councilmember Marianne Miles

Councilmember Margaret Herzog

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 7

TO: Town Council of Town of Loxahatchee Groves
FROM: Elizabeth Lenihan, Town Attorney
VIA: Francine L. Ramaglia, Town Manager
DATE: November 7, 2023
SUBJECT: Consideration of Ordinance No. 2023-13 regarding 2024 Municipal Election Dates and Qualifying Periods on First Reading

Background:

As a result of the alignment of the Municipal Elections and the Presidential Primary Election by the Palm Beach County Supervisor of Elections and the potential resignations statewide as a result of the Legislature's action regarding enhanced financial reporting requirements for municipal elected officials, the proposed Ordinance addresses the 2024 Municipal Election Dates and Qualifying Periods for the Town of Loxahatchee Groves. Specifically, the proposed Ordinance includes the following:

1. Sets the Municipal Election Date as March 19, 2024;
2. Sets the Runoff Election Date, if needed, as April 2, 2024;
3. Sets the Qualifying Period for Expired Term Seats 1 and 3 consistent with Sec. 2-20 of the Town's Code of Ordinances;
4. Establishes a second Qualifying Period, if needed, to fill vacancies in Town Council Seats 2, 4, and 5, in an abundance of caution in case there are any resignations in these Seats.

Recommendation:

Move that Town Council approve Ordinance No. 2023-13 regarding the 2024 Municipal Election Dates and Qualifying Periods on first reading.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE 2024 TOWN OF LOXAHATCHEE GROVES MUNICIPAL ELECTION DATES; CONFIRMING THE COUNCIL MEMBER CANDIDATE QUALIFICATION PERIOD FOR EXPIRED TERMS; AND ADDING A SECOND COUNCIL MEMBER CANDIDATE QUALIFYING PERIOD FOR THE FILLING OF VACANCIES IN THE 2024 MUNICIPAL ELECTION; AND PROVIDING REPEAL OF LAWS IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, effective January 1, 2024, the State of Florida has imposed enhanced financial reporting requirements (i.e., Form 6) on municipal elected officials; and

WHEREAS, as a result of this new legislation, many jurisdictions are experiencing or expecting resignations of municipal elected officials prior to January 1, 2024; and

WHEREAS, the Town of Loxahatchee Groves' Charter provides that vacancies in the Town Council are to be filled at the next regularly scheduled Town election if the remainder of the unexpired term is equal to or exceeds one (1) year and eighty-one (81) days; and

WHEREAS, the Town of Loxahatchee Groves' Charter provides that regular Town elections are to be held on the second Tuesday in March of each election year and any required runoff elections will be held on the fourth Tuesday in March; and

WHEREAS, Section 2-20 of the Town of Loxahatchee Groves' Code of Ordinances provides for the qualifying period for the March elections shall be from noon on the second Tuesday in November to noon on the third Tuesday in November immediately preceding the election; and

WHEREAS, the Palm Beach County Supervisor of Elections has scheduled the 2024 municipal elections for March 19, 2024, to coincide with the Presidential primary election; and

WHEREAS, the Palm Beach County Supervisor of Elections has notified the Town of the deadline for ballot modifications for the March 2024 municipal elections for the filling of vacancies in Town Council Seats with unexpired terms created before January 1, 2024; and

WHEREAS, Section 101.75 Florida Statutes, provides that the governing body of a municipality may, by ordinance, move the date of a municipal election to a date concurrent with any statewide or countywide election; and

WHEREAS, Section, 101.75 Florida Statutes, further provides that the dates for qualifying for the election moved by passage of such ordinance shall be specifically provided for in the ordinance; and

WHEREAS, Section 100.3605, Florida Statutes, provides that the governing body of a municipality may, by ordinance, change the dates for qualifying; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has determined, out of an abundance of caution, it is in the best interest of the Town of Loxahatchee Groves to move the Town’s municipal election date for 2024 to a date concurrent with the presidential primary election date and to establish a second qualifying period for the March 2024 municipal election to allow for the filling of vacancies that may be created due to late resignations because of Form 6.

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

Section 1. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The Town of Loxahatchee Groves hereby modifies its 2024 Municipal Election schedule as follows:

- a. The Town of Loxahatchee Groves’ Municipal Election will be held on Tuesday, March 19, 2024;
- b. Runoff elections, if required, will be held on Tuesday, April 2, 2024;
- c. The qualifying period for candidates set forth in Section 2-20 of the Town’s Code of Ordinances will not change for Seats 1 and 3, which will be elected to start a new Term; and
- d. The qualifying period for candidates to fill any vacancies in Town Council for Seats 2, 4, and 5, which will be elected to complete an unexpired Term, will be from noon on Tuesday, January 2, 2024 to noon on Tuesday, January 9, 2024. Notice of such vacancies and the second qualifying period shall be posted at Town Hall and on the Town’s website as soon as is possible after receipt of any applicable resignations. The names of all candidates shall be received by the supervisor of elections of the county no later than 3:00 p.m. on January 12, 2024.

Section 3. **Charter.** Nothing contained herein is intended to create a permanent change to the Town’s Charter. Following the March 19, 2024 election, and any subsequent runoff, Loxahatchee Groves’ municipal elections shall thereafter comply with its Charter.

Section 4. **Repeal of Laws in Conflict.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Loxahatchee Groves’ Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

Section 5. **Severability.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

Section 6. **Codification.** This Ordinance shall NOT be codified.

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon adoption at second reading.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON FIRST READING, THIS _____ DAY OF _____, 2023.

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

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS _____ DAY OF _____, 2023.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<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 Laura Danowski

Vice Mayor Robert Shorr

Councilmember Margaret Herzog

Councilmember Phillis Maniglia

Councilmember Marianne Miles

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 8

TO: Town Council of Town of Loxahatchee Groves
FROM: Elizabeth Lenihan, Town Attorney
VIA: Francine L. Ramaglia, Town Manager
DATE: November 7, 2023
SUBJECT: Consideration of Ordinance No. 2023-15 regarding Regulation of Agricultural and Agritourism Uses on First Reading

Background:

Following new legislation, Town Council gave staff direction to address off-site impacts from agritourism uses. Pursuant to Section 570.85, F.S., the Town is prohibited from regulating agritourism activities; however, the Town may address substantial off-site impacts of agritourism activities. The proposed changes to the Town's Unified Land Development Code (ULDC) include adding agritourism as a permitted use in the Agricultural Residential (AR) zoning district, subject to certain regulations as provided by Florida law; and amending Article 65 related to agricultural uses to also include agritourism uses. The purpose of the proposed changes to the Town's ULDC is to clarify the application of the Town's regulations to the development of land for statutorily protected agritourism uses.

Recommendation:

Move that Town Council approve Ordinance No. 2023-15 regarding agricultural and agritourism uses on first reading.

ORDINANCE NO. 2023-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 20-015 “PERMITTED USES” OF ARTICLE 20 “RESIDENTIAL ZONING DISTRICTS” WITHIN PART II “ZONING DISTRICTS” AND ARTICLE 65 “AGRICULTURAL USES” WITHIN PART III “SUPPLEMENTAL REGULATIONS” ALL WITHIN THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the legislature has adopted Sections 570.85 and 823.14, F.S., providing certain protections and restrictions as to agricultural and agritourism uses within the State of Florida; and

WHEREAS, pursuant to the statutory intent, the Town is limited in its ability to regulate agricultural and agritourism uses within the Town; and

WHEREAS, the Town desires to amend and clarify its regulations relating to agricultural uses and adopt regulations relating to agritourism uses within its adopted Unified Land Development Code (“ULDC”); and

WHEREAS, the Town Council has determined that the provisions in this ordinance are a clarification of the application of the Town’s regulations to the development of land for these statutorily protected uses and is not more restrictive or burdensome than existing regulations; and

WHEREAS, the notice and hearing requirements for adoption of ordinances contained in the Florida Statutes and the Town’s Code of Ordinances have been satisfied; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a public hearing for the proposed amendments; and

WHEREAS, the Town Council of Town of Loxahatchee Groves finds that the adoption of this ordinance amending the ULDC is consistent with the Town’s Comprehensive Plan, and in the best health and welfare interests of the Town, its property owners and residents.

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

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Section 20-015 “Permitted Uses” of Article 20 “Residential Zoning Districts” within Part II, “Zoning Districts” of its Unified Land Development Code to read as follows:

Section 20-015. Permitted uses.

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

Principal Uses	Agricultural Residential (AR)
Single Family Dwelling	Permitted
Modular Home or Factor-Built Home	Permitted subject to Section 80-65
Essential Services	Permitted w/Special Exception
Agriculture	Permitted
Wireless Communication Facilities	Permitted w/Special Exception Category A
Accessory Uses	Agricultural Residential (AR)
Accessory Dwelling	Permitted
Groom’s Quarter	Permitted
Caretaker’s Quarter	Permitted
Home Offices	Permitted subject to Article 80
Residential Enterprise	Permitted subject to Article 80
Wholesale Nursery	Permitted

Underline language is added and ~~strikethrough~~ language is deleted.

Retail Nursey	Permitted w/Special Exception Category B
U-Pick Farms	Permitted w/Special Exception Category B
Private Kennels	Permitted
Private Stables	Permitted
Yard Sales	Permitted subject to Article 80
Veterinary Services	Permitted
Dog Boarding	Permitted
Temporary Events	Permitted w/Special Exception Category C
<u>Agritourism</u>	<u>Permitted subject to Article 65</u>

Section 3. The Town of Loxahatchee Groves hereby amends Article 65 “Agricultural Uses” within Part III “Supplemental Regulations” of its Unified Land Development Code to read as follows:

Article 65 AGRICULTURAL AND AGRITOURISM USES

Division I. Agricultural Uses

Section 65-005. Purpose and intent.

The purpose and intent of this ~~article~~ division is to protect, and provide regulatory relief for, reasonable agricultural activities conducted on farm land in the Town as consistent with the Florida Right to Farm Act (823.14, F.S.).

Section 65-010. Determination of valid agricultural use.

Any property owner who seeks the regulatory relief provided for an agricultural use as defined herein, must ~~either~~ provide documentation to the Town from the Palm Beach County Property Appraiser's Office demonstrating that the property is currently classified as agriculture pursuant to F.S. § 193.461, as may be amended from time to time, or as an alternative, demonstrate to the Town Council that the use is agricultural, as defined herein. Once documentation is provided, the Town shall maintain an on-going record of such use and assume that each property continues to maintain its agricultural status unless a claim is made otherwise. If a claim is made otherwise, the property owner shall demonstrate the use is agricultural as provided for in this section.

Underline language is added and ~~strikethrough~~ language is deleted.

Section 65-015. Nonagricultural uses and structures on properties with a bona fide agricultural use.

Nonagricultural uses and structures on properties with a valid agricultural use shall not qualify for modifications or exceptions to the Code based on agricultural status unless specifically stated otherwise.

Division II. Agritourism Uses

Section 65-030. Purpose and intent.

The purpose and intent of this division is to protect, and provide regulation and regulatory relief for, reasonable agritourism activities conducted on bona fide agricultural land in the Town as consistent with section 570.85, F.S.

Section 65-035. Determination of valid agritourism use.

Any property owner who seeks the regulatory relief provided for an agritourism use as defined herein, must provide documentation to the Town from the Palm Beach County Property Appraiser's Office demonstrating that the property, or portion thereof, is currently classified as agriculture pursuant to section 193.461, F.S., that the purported agritourism use is related to the agricultural use on the same property and otherwise meets the requirements of section 570.86, F.S., and that the property owner is in compliance with 570.89, F.S.

Section 65.040. Substantial offsite impacts of agritourism activities.

- (A) Subject to the limitations of section 823.14, F.S., substantial offsite impacts caused by agritourism uses are prohibited.
- (B) Substantial offsite impacts that may be caused by agritourism activities include, but are not limited to, the following:
 - (1) Traffic and Parking. Ingress to and egress from the property causing substantial interference with traffic on abutting streets or resulting in the generation or creation of traffic inconsistent with the health, safety and welfare of the community. Vehicles entering or exiting the right-of-way to or from the property that utilize turning movements that are hazardous or a nuisance due to the design or function of the ingress and egress connection to the property. Parking on local roadways and Town maintenance easements.
 - (2) Noise. Excessive noise as set forth in section 50-010, ULDC.
 - (3) Lighting. The overspill of light originating from the subject property onto any other plot or street that exceeds one-tenth horizontal foot-candle measured at grade level at the property line and any outdoor lighting, other than motion-detected security lighting, that is not extinguished between 11:00 p.m. and dawn.
 - (4) Odors. Objectionable odors as set forth in section 50-025, ULDC.
 - (5) Vibrations. Vibration noticeable by a person of reasonable sensitivity at the property line, including bass emanating from audio speakers, which is prohibited by section 50-020, ULDC.

- (6) Dust. Unconfined dust that emanates across property lines.
- (C) If an agritourism use is anticipated to or is determined, in the sole discretion of the Town, to cause substantial offsite impacts, the property owner shall prevent, correct or mitigate for such impacts as follows:
- (1) Traffic and Parking. The property owner shall provide a traffic study and site plan to show sufficient circulation and parking on-site for all agritourism activities on the property to alleviate traffic stacking and parking in the right-of-way. Alternatively, the property owner may provide for off-site parking through agreement for same with another property owner and provision of shuttle service from the parking area to the agritourism activity and shall provide a traffic study and site plan for the alternative parking site as well as the parking agreement. Any proposed off-site parking shall be on property that is properly zoned for and can accommodate the parking for the agritourism activities and designed to alleviate traffic stacking and parking in the right-of-way. The property owner shall provide Maintenance of Traffic for agritourism events, including pre and post event, to prevent or reduce traffic stacking.
 - (2) Noise. The property owner shall provide a noise study and maintain noise levels for all agritourism activities below the thresholds for excessive noise. The property owner may obtain a special event permit up to three (3) times per year for agritourism activities that would allow excessive noise, pursuant to section 80-025, ULDC.
 - (3) Lighting. The property owner shall install timers, cutoff fixtures, shields and baffles and adjust pole height and fixture mounting height, lighting intensity, placement and angle for all lighting creating substantial offsite impacts and provide a photometric plan.
 - (4) Odors. The property owner shall eliminate and prohibit objectionable odors that emanate off-site as part of any agritourism activities.
 - (5) Vibrations. The property owner shall eliminate and prohibit vibrations that emanate off-site as part of any agritourism activities.
 - (6) Dust. The property owner shall eliminate and prohibit the off-site emanation of dust from any agritourism activities, including application of dust suppressants to areas in which the agritourism activities generate dust.
 - (7) The property owner may provide additional means to prevent, correct, or mitigate substantial off-site impacts, including, but not limited to, limiting hours of operation of the agritourism activities.
- (D) The property owner shall submit documentation to the Town to establish compliance with the requirements for prevention, correction or mitigation of substantial off-site impacts. Such documentation shall be provided to the Town no later than thirty (30) days prior to an agritourism activity that it anticipated to cause substantial offsite impacts and within thirty (30) days following the date of any written notice of substantial offsite impacts issued to the property owner by the Town.

(E) Preventions, correction and mitigation of the substantial off-site impacts of agritourism uses shall be processed and reviewed as a Category B special exception, though such review will be limited to the standards set forth in this section.

(F) Violations of this section may be enforced by the Town in accordance with Chapter 14 of the Code or any other applicable legal remedy.

Section 65.045. Construction related to agritourism activities.

Construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public on properties with a valid agritourism use are not subject to regulatory relief and shall not qualify for modifications or exceptions to the Code based on agritourism status unless specifically stated otherwise.

Section 4. 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 5. 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 6. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

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

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

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __ DAY OF _____, 20__.

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

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 20__.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor Laura Danowski

Lakisha Q. Burch, Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Office of the Town Attorney

Councilmember Phillis Maniglia

Councilmember Marianne Miles

NOTICE OF PERMITTED USE CHANGE

Public Hearing Notice Town of Loxahatchee Groves, Palm Beach County, Florida

The Loxahatchee Groves Town Council proposes to adopt the following ordinance:

ORDINANCE NO. 2023-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 20-015 "PERMITTED USES" OF ARTICLE 20 "RESIDENTIAL ZONING DISTRICTS" WITHIN PART II "ZONING DISTRICTS" AND ARTICLE 65 "AGRICULTURAL USES" WITHIN PART III "SUPPLEMENTAL REGULATIONS" ALL WITHIN THE UNIFIED LAND DEVELOPMENT CODE, PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

A public hearing on the ordinance for **first reading** will be held on Tuesday, November 7, 2023, during a Regular Town Council Meeting, at 6:00 pm, or as soon thereafter as possible, at the Loxahatchee Groves Town Hall located at 155 F Road, Loxahatchee Groves, FL 33470.

The proposed ordinance is available for review in its entirety in the Town Clerk's Office located at Town Hall, 155 F Road, Loxahatchee Groves, FL 33470 (between the hours of 8:00 AM and 5:00 PM, Monday through Friday, except holidays). Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Council with respect to any matter considered at this hearing, such interested person, at their own expense, 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 record includes the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105.

The Loxahatchee Groves Town Hall is wheelchair accessible and accessible parking spaces are available. Anyone needing auxiliary services please contact the Town Clerk at least five (5) days prior to the meeting at 561-793-2418. If hearing impaired, telephone the Florida Relay Services 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice) for assistance.

Please govern yourselves accordingly.

Lakisha Burch
Town Clerk

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 9

TO: Town Council of Town of Loxahatchee Groves
FROM: Elizabeth Lenihan, Town Attorney
VIA: Francine L. Ramaglia, Town Manager
DATE: November 7, 2023
SUBJECT: Discussion on Prescriptive Easements

Background:

At its last regular meeting, Town Council requested information regarding prescriptive easements. In addition to the information provided at that time, the information herein is provided to Town Council.

Prescriptive easements are a form of adverse possession. In Florida, acquisition of another's property through use or possession is not favored and will be decided in the interests of the property owner over the claimant if the required standard is not met. For a claim of prescriptive easement, the claimant must prove the following:

1. Actual, continuous, and uninterrupted use by the claimant or any predecessor in title for the required 20-year period.
2. During the whole 20-year period, the use has been either with actual knowledge of the owner or so open, notorious, and visible that knowledge of the use is imputed to the owner.
3. That the use is related to a certain limited and defined area of land or, if for a right-of-way, the use was of a definite route with a reasonably certain line, width, and termini; and
4. That during the whole 20-year period the use has been averse to the lawful owner, that is,
 - a. The use has been made without the permission of the owner and under some claim of right other than from permission of the owner.
 - b. The use has been either exclusive of the owner or inconsistent with the rights of the owner of the land to its use and enjoyment; and
 - c. The use has been such that, during the whole 20-year period, the owner had a cause of action against the user for the use being made.

Dana v. Eilers, 279 So.3d 825 (Fla. 2d 2019).



155 F Road Loxahatchee Groves, FL 33470

Claims for prescriptive easement may be made by individuals or by the government with jurisdiction over the use of the prescriptive easement being claimed. While the private individual may only rely on his or her own use and that of his or her predecessor in title in making a claim, the government entity in such circumstances relies on use by the public. Either way, the criteria must be met, and the evidential proof must be clear and convincing. That is to say, the evidence for each and every element of the required criteria must be more than loose, uncertain testimony or conjecture; it must be credible, clear and without confusion, and must be of sufficient weight to convince the trier of fact without hesitancy.

Recommendation:

Discussion by Town Council, if desired, and provide staff direction.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 10

TO: Town Council of Town of Loxahatchee Groves
FROM: Francine L. Ramaglia, Town Manager
DATE: November 7, 2023
SUBJECT: Discussion regarding Roadway and Drainage update.

Background: Staff will present updates regarding Roadway and Drainage to Town Council.

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