# 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**

NOVEMBER 15, 2022, 6:30 -9:30 P.M.



# Robert Shorr, Mayor (Seat 4)

Phillis Maniglia, Councilmember (Seat 1) Marianne Miles, Councilmember (Seat 3) Laura Danowski, Vice Mayor (Seat 2) 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.

# **CONSENT AGENDA**

- 1. Approval of Meeting Minutes.
  - a. 11 01 22 Community Resident Workshop Meeting Minutes
  - b. 11 01 22 Town Council Regular Meeting Minutes
- 2. Consideration of *Resolution No. 2022-82* extending the 2023 Municipal Qualifying Period.

### **PUBLIC HEARING**

3. Consideration of *Ordinance No. 2022-04* on second reading of code enforcement of Site Development.

### **DISCUSSION**

- 4. Update on the Western Community Holiday Parade.
- 5. Discussion on the Evaluation and Appraisal Report of Comprehensive Plan (EAR).
- 6. Discussion of lobbyist/Government Affairs Consulting Services.
- 7. Discussion of Land Clearing.

### **REGULAR AGENDA**

8. Consideration of *Resolution No. 2022-83* ratifying the Mutual Aid Agreement with Indian Trail Improvement District.

### TOWN STAFF COMMENTS

**Town Manager** 

**Town Attorney** 

### **Public Works Director**

**Town Clerk** 

### TOWN COUNCILMEMBER COMMENTS

**Marianne Miles (Seat 3)** 

Margaret Herzog (Seat 5)

Phillis Maniglia (Seat 1)

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.



# 155 F Road Loxahatchee Groves, FL 33470

# Agenda # 1

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

FROM: Lakisha Burch, Town Clerk

VIA: Francine Ramaglia, Town Manager

DATE: November 15, 2022

**SUBJECT:** Meeting Minutes

Staff recommends approval of the attached meeting minutes.



# TOWN OF LOXAHATCHEE GROVES TOWN COUNCIL COMMUNITY OPEN DISCUSSION WORKSHOP NOVEMBER 1, 2022

Meeting audio available in Town Clerk's Office

# CALL TO ORDER

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

# COMMENTS FROM THE PUBLIC

There were public comments made by the following Todd McLendon, and Dan Zimmer.

Dan Zimmer from Solar Sport speaking on encroachment issue with neighbor.

Todd McLendon spoke about the following:

# **ADJOURNMENT**

The workshop was adjourned at 6:28 p.m.

	TOWN OF LOXAHATCHEE GROVES, FLORIDA
ATTEST:	
	Mayor Robert Shorr
Lakisha Burch, Town Clerk	
	Vice Mayor Laura Danowski
	Council Member Marge Herzog
	Council Member Maryann Miles
	Council Member Phillis Maniglia



# TOWN OF LOXAHATCHEE GROVES TOWN COUNCIL REGULAR MEETING

# **NOVEMBER 1, 2022**

Meeting audio available in Town Clerk's Office

#### CALL TO ORDER

Mayor Shorr called meeting to order at 6:32 p.m.

### PLEDGE OF ALLEGIANCE

Mayor Shorr led the Pledge of Allegiance.

### MOMENT OF SILENCE

Mayor Shorr led a prayer.

### **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, Town Planning Consultant James Fleishmann, and Town Clerk Lakisha Burch.

# ADDITIONS, DELETIONS AND MODIFICATIONS

Town Manager Ramaglia asked if items 8 and 12 be removed from the agenda.

Motion was made by Councilmember Miles seconded by Vice Mayor Danowski to approve the agenda with the removal of items 8 and 12; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, and Councilmember Miles. Nays: Councilmembers Herzog and Maniglia. Motion passed 3-2.

# COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There were public comments by Todd McLendon and Virginia Standish.

### PRESENTATION AND DISCUSSION

1. Presentation and update from James Fleishmann regarding Evaluation and Appraisal Report of Comprehensive Plan (EAR) and proposed timeline.

Town Planning Consultant James Fleishman presented the item to Town Council.

There was public comment from Todd McLendon.

# There was consensus by Town Council to apply the Comprehensive Plan same as the HR Manual was done and add an extra hour to the Agenda Review meetings.

2. Presentation and update from Randy Wertepny regarding the interlocal agreement with Royal Palm Beach.

Randy Wertepny, from Keshavarz and Associates presented the item.

### **CONSENT AGENDA**

3. Approval of Meeting Minutes.

a.	June 15, 2021,	Town Council Workshop/Special Meeting Minutes
b.	July 20, 2021,	Town Council Regular Meeting Minutes
c.	August 3, 2021,	Community Workshop Meeting Minutes
d.	August 3, 2021,	Town Council Regular Meeting Minutes
e.	October 4, 2022,	Community Workshop Meeting Minutes
f.	October 4, 2022,	Town Council Regular Meeting Minutes
g.	October 18, 2022,	Community Workshop Meeting Minutes
h.	October 18, 2022,	Town Council Workshop/Special Meeting Minutes

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve the Consent Agenda; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, and Councilmember Miles. Nays: Councilmembers Maniglia. Motion passed 4-1.

4. Consideration of *Resolution No. 2022-72* agreement with the Palm Beach County Supervisor of Elections for 2023 Municipal Election Vote Processing Equipment use and Elections Services. **PULLED FROM CONSENT AGENDA** 

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to adopt Resolution No. 2022-72 authorizing the entry by the Town into an agreement with the Palm Beach County Supervisor of Elections for 2023 Municipal Election Vote Processing Equipment use and Elections Services; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

5. Consideration of *Resolution No. 2022-75* agreement with Johnson-Davis. **PULLED FROM CONSENT AGENDA** 

There were public comments made by Todd McLendon and Virginia Standish.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to adopt Resolution No. 2022-75 adopting the agreement with Johnson-Davis, Inc. and approving scope of work and quote for each of the 3 culvert replacement projects presented and they will be inspected by Town Staff before installation; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

 Consideration of *Resolution No. 2022-76* authorizing a piggyback with Palm Beach County Annual Asphalt Milling and Resurfacing Contract. PULLED FROM CONSENT AGENDA

Town Manager Ramaglia presented the item to Town Council.

There was public comment by Virginia Standish.

Motion was made Councilmember Maniglia seconded by Councilmember Miles to adopt Resolution No. 2022-76 authorizing the entry by the Town into agreements with vendors for goods and services utilizing the Palm Beach County Annual Milling and Resurfacing Contract Project #2021050; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

7. Consideration of *Resolution No. 2022-78* Approving Scope of Work and Pricing with Ranger Construction, Inc. **PULLED FROM CONSENT AGENDA** 

Town Manager Ramaglia presented the item to Town Council.

There was public comment by Todd McLendon.

Motion was made by Mayor Shorr seconded by Councilmember Maniglia to approve Resolution No. 2022-78 authorizing the Scope of Work and Proposal Number 220517-2 totaling 1,100,542.18 under the Town's agreement with Ranger Construction Industries, Inc. for roadway milling and resurfacing based on pricing from Palm Beach County's Annual Milling and Resurfacing Contracts # 2021050; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

- 8. Consideration of *Resolution No. 2022-77* Approving Scope of Work and Pricing with Wynn & Sons Environmental Construction, Inc. **PULLED FROM AGENDA**
- 9. Consideration of *Resolution No. 2022-79* authorizing Town's sponsorship/special events. **PULLED FROM CONSENT AGENDA**

Town Clerk Burch presented the item to Town Council.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Danowski to approve Resolution No. 2022-79 approving annual Sponsorships and Events; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

10. Consideration of *Resolution No. 2022-80* regarding improvement agreement for Groves Town Center. **PULLED FROM CONSENT AGENA** 

Town Attorney Lenihan presented the item.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Danowski to approve Resolution No. 2022-80 approving the First amended Improvement Agreement for improvements within the Groves Town Center project; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

### **PUBLIC HEARING**

11. Consideration of *Ordinance No. 2022-04* on first reading of code enforcement of Site Development.

Town Attorney Lenihan read Ordinance No. 2022-04 into the record.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Danowski to approve Ordinance No. 2022-04 on first reading amending section 05-110 "Violation of Code or Development Order Conditions" of Article 05 " Administration and Legal Provisions" of Part I " Administration and Definitions" of its Unified Land Development Code; Regarding Violations of the Unified Land Development Code or Development Orders; it was voted as follows: Ayes: Mayor Shorr, Vice Mayor Danowski, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

12. Consideration of *Ordinance No. 2022-05* on first reading non-conforming unrecorded plats. **PULLED FROM AGENDA** 

### TOWN STAFF COMMENTS

# **Town Manager**

- Opening of the Engineering Bid
- Veteran's Day Parade

# **Town Attorney**

No comment.

### **Public Works Director**

- Water truck
- Motor burned out today

### **Town Clerk**

No comment.

#### TOWN COUNCILMEMBER COMMENTS

### **Marianne Miles (Seat 3)**

- Go through-change North entrance at Publix
- Clear cutting
- Hurricane

# **Margaret Herzog (Seat 5)**

• Information for Mayor

# Phillis Maniglia (Seat 1)

- Recycling/Coastal/Skipping piles
- Hire Town Planner
- Consent Agenda

# There was consensus by Town Council not to have any item over 25,000.00 on the Consent Agenda.

- Several properties been sold without having egress/ingress
- Glad to not have seen the Sherriff department in the park and churches.

# Vice Mayor Laura Danowski (Seat 2)

- Thanked staff for being prompt in getting information that was asked for at the Agenda Review meeting.
- Having Chandler Williamson at a Workshop meeting.
- Disposal of fire extinguishers
- E Road/Clearing

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

- Permitting
- Veteran's Day Parade- start lining up at 8:30 a.m.

# **ADJOURNMENT**

There being no further business the meeting was adjourned at 9:58 p.m.

	TOWN OF LOXAHATCHEE GROVES, FLORIDA
ATTEST:	
	Mayor Robert Shorr
Lakisha Burch, Town Clerk	
	Vice Mayor Laura Danowski
	Councilmember Marge Herzog
	Council Member Marianne Miles
	Council Member Phillis Maniglia



### 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 L. Ramaglia, Town Manager

**DATE:** November 15, 2022

SUBJECT: Consideration of Resolution No. 2022-82 extending the 2023 Municipal

Qualifying Period.

# **Background:**

Due to the unexpected Town Hall closures, due to Tropical Storm/Hurricane Nicole on November 9 and 10 and due to the Veteran's Day holiday on November 11. Town staff desires to extend the qualifying dates for the March 14, 2023, municipal election through noon on November 18, 2022.

### **Recommendation:**

Consideration of *Resolution No. 2022-82* extending the Election Qualifying Dates for the March 14, 2023, Municipal Election due to Tropical Storm/Hurricane Nicole.

### TOWN OF LOXAHATCHEE GROVES

### **RESOLUTION NO. 2022-82**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, EXTENDING THE ELECTION QUALIFYING DATES FOR THE MARCH 14, 2023, MUNICIPAL ELECTION DUE TO TROPICAL STORM/HURRICANE NICOLE; PROVIDING FOR MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Town Council adopted Section 2-20 of the Town's Code of Ordinances (Code) establishing election qualifying dates no sooner than noon on the second Tuesday of November and no later than the third Tuesday in November; and

**WHEREAS**, the election qualifying dates for the March 14, 2023, municipal election were set in accordance with Sec. 2-20 of the Code as November 8 at noon through November 15 at noon; and

**WHEREAS**, Town Hall was closed due to tropical storm/hurricane Nicole on November 9 and 10 and due to the Veteran's Day holiday on November 11; and

**WHEREAS**, in accordance with Sec. 2-20 of the Code and the Palm Beach County Supervisor of Elections, the names of all qualified candidates must be submitted to the Palm Beach County Supervisor of Elections no later than the 95<sup>th</sup> day before the municipal election date, which would be no later than December 2, 2022; and

**WHEREAS**, due to the unexpected Town Hall closures, the Town Council of the Town of Loxahatchee Groves desires to extend the qualifying dates for the March 14, 2023, municipal election through noon on November 18, 2022.

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

**Section 1**. The Town Council of the Town of Loxahatchee Groves hereby extends the qualifying dates for the March 14, 2023, municipal election through noon on November 18, 2022.

**Section 2**. The Town Clerk is hereby authorized to submit a copy of this Resolution to Wendy Link, Supervisor of Elections, and to do all other necessary things in order to accomplish the desire of the Council with regard to its Municipal Election.

Section 3.	This Resolutio	n sha	ll take effec	t immediately	y upon adoption.	
Councilmember	offered	the	foregoing	resolution.	Councilmember_	
seconded the motion.	and upon being	put to	a vote, the	vote was as f	follows:	

		<u>Aye</u>	Nay	<u>Absent</u>
ROBERT SHORR, MAYOR				
LAURA DANOWSKI, VICE MAYOR				
MARGARET HERZOG, COUNCILME	MBER			
PHILLIS MANIGLIA, COUNCILMEMI	BER			
MARIANNE MILES, COUNCILMEMB	ER			
ADOPTED BY THE TOWN COUNCIL GROVES, FLORIDA, THIS DAY OF NO			OF LO	ХАНАТСНЕ
	TOWN ( FLORIDA	_	HATCH	IEE GROVES
ATTEST:	Mayor Ro	bert Shorr		
Lakisha Burch, Town Clerk	Vice May	or Laura D	anowski	 !
	Councilme	ember Mar	garet He	erzog
APPROVED AS TO LEGAL FORM:	Councilmo	ember Phill	lis Mani	glia
Office of the Town Attorney	Councilme	ember Mar	ianne M	iles



### 155 F Road Loxahatchee Groves, FL 33470

Agenda Item #3

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

FROM: Elizabeth V. Lenihan, Town Attorney

VIA: Francine Ramaglia, Town Manager

**DATE:** November 15, 2022

SUBJECT: Consideration of Ordinance 2022-04 Regarding Enforcement of Development

**Orders** 

# **Background:**

On November 1, 2022, Town Council approved on first reading the proposed Ordinance which amends the Town's Unified Land Development Code to provide for enforcement of development orders through the Town's code enforcement process. No changes have been made to the proposed Ordinance since first reading.

### **Recommendation:**

Move that Town Council approve *Ordinance No. 2022-04* regarding enforcement of development orders on second reading.

#### ORDINANCE NO. 2022-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 05-110 "VIOLATION OF CODE OR DEVELOPMENT ORDER CONDITIONS" OF ARTICLE 05 "ADMINISTRATION AND LEGAL PROVISIONS" OF PART I "ADMINISTRATION AND DEFINITIONS", OF ITS UNIFIED LAND DEVELOPMENT CODE; REGARDING VIOLATIONS OF THE UNIFIED LAND DEVELOPMENT CODE OR DEVELOPMENT ORDERS; 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.

**WHEREAS**, the Town desires to provide a means of enforcement for violations of the Town's adopted Unified Land Development Code ("ULDC") and development orders issued thereunder; 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 amendment of Article 05 Administration and Legal Provisions, Section 05-110 Violation of code or development order conditions of its adopted ULDC to include a means of enforcement; and

**WHEREAS**, the Town Council of Town of Loxahatchee Groves finds that the adoption of this ordinance amending the ULDC to add a means of enforcement for violations of the ULDC or development orders in Article 05 Administration and Legal Provisions, Section 05-110 Violation of code or development order conditions, 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 "Whereas" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Part I "Administration and

Definitions", Article 05 "Administration and Legal Provisions", Section 05-110 "Violation of Code or development order conditions" to read as follows:

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

- (A) An application for a development permit may be deferred, denied, or approved with appropriate conditions, when the property is in violation of the ULDC or in violation of a condition of a previously approved development order.
- (B) Any violation of any portion of the ULDC or any violation or non-compliance with any condition placed on any permit or any approval given to any development or project by Town Council, a board or administratively shall be deemed a violation of the Code and shall be subject to the Town's code enforcement process, set forth in Chapter 14 of the Code, as well as any other legal action available to the Town including but not limited to injunctive relief.
- **Section 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.** 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 6. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

Councilmember	_ offered the foregoing	ordinance	e. Cour	ncilmember
seconded the motion, and upon be	eing put to a vote, the v	ote was as	follows	s:
		<u>Aye</u>	Nay	<u>Absent</u>
ROBERT SHORR, MAYOR				
LAURA DANOWSKI, VICE MA	AYOR			
MARGARET HERZOG, COUN	CILMEMBER			
PHILLIS MANIGLIA, COUNCI	LMEMBER			
MARIANNE MILES, COUNCIL	LMEMBER			

Councilmember offered the foregoing motion, and upon being put to a vote, the vote		eilmember		seconded the
	Aye	<u>Nay</u>	Absent	
ROBERT SHORR, MAYOR				
LAURA DANOWSKI, VICE MAYOR				
MARGARET HERZOG, COUNCILMEMB	ER 🗆			
PHILLIS MANIGLIA, COUNCILMEMBER	2			
MARIANNE MILES, COUNCILMEMBER				
TOWN	OF LOXAHATO	CHEE GI	ROVES, F	FLORIDA
TOWN ATTEST:			ROVES, F	FLORIDA
	Mayor Rob		ROVES, F	FLORIDA
	Mayor Rob	ert Shorr	ŕ	FLORIDA
ATTEST:		ert Shorr	ŕ	FLORIDA
ATTEST:	Mayor Rob	ert Shorr r Laura D	anowski	



### 155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 4

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

FROM: Lakisha Burch, Town Clerk

VIA: Francine L. Ramaglia, Town Manager

**DATE:** November 15, 2022

**SUBJECT: Update on the Western Community Holiday Parade** 

# **Background:**

At the November 1, 2022, Town Council meeting, Town Council approved *Resolution No.* 2022-79 approving annual sponsorships and events. One of the events was to participate in the Western Community Holiday Parade. The parade is scheduled for Sunday, December 11, 2022, at 1:30 p.m. This year's theme is Favorite Holiday Destination.

### **Recommendation:**

Town Council to discuss plans for the Western Community Holiday Parade such as time to work on float, and theme.

Presenting Sponsor:









For More Information please visit cpbchamber.com or email us at info@cpbchamber.com



### 155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 5

**TO:** Mayor and Councilmembers

FROM: Francine Ramaglia, Town Manager

**DATE:** November 15, 2022

**SUBJECT:** Discussion of Evaluation and Appraisal Review (EAR)

# **Background:**

Town has begun the update of its Comprehensive Plan through the Evaluation and Appraisal Review which is anticipated to be completed over the next 6 to 8 months.

Attached are the Goals, Objectives & Policies for the individual elements of the Town's Comp Plan as well as a sample introductory section.

The information provided is to start the Council's review of the format and content of each element and to get input on the content of the proposed introductory section of the Town's Comp Plan outlining its rural character and its continued commitment to rural and agricultural development.

### **Recommendations:**

Staff seeks Council input and direction with respect to formatting and content of Comp Plan.



# CHAPTER 1 INTRODUCTION

Included with the Evaluation and Appraisal Report update of the Melbourne Beach Comprehensive Plan, the Town has opted to create separate Support and Goals, Objectives and Policies documents. In order to complete the task, the September 2010Town of Melbourne Beach Comprehensive Plan is separated into the following two documents: (1) April 2020 Town of Melbourne Beach Comprehensive Plan Support Documentation; and (2) April 2020 Town of Melbourne Beach Comprehensive Plan Goals, Objectives and Policies.

The April 2020 Town of Melbourne Beach Comprehensive Plan Support Documentation (Support Documentation) consists of data and analysis for each of the Comprehensive Plan Elements extracted from the September 2010 Town of Melbourne Beach Comprehensive Plan. The Support Documentation is adopted by Town Resolution for ease of future updates.

The following April 2020 Town of Melbourne Beach Comprehensive Plan Goals, Objectives and Policies (GOPs) document consists of goals, objectives and policies for each of the Comprehensive Plan Elements extracted from the September 2010 Town of Melbourne Beach Comprehensive Plan and updated, where necessary, from the results of the August 2019 Town of Melbourne Beach Evaluation and Appraisal Report. GOP updates, included herein, are presented in underline and strikethrough format so that the revisions can be easily tracked. The GOPs including future updates, are adopted by Ordinance, per Florida Statutes requirements.

### General Requirements

<u>Chapter 163.3161 - 163.3197</u>, Florida Statutes (Community Planning Act) establishes basic requirements for the format and content of the Town of Melbourne Beach Comprehensive Plan.

Chapter 163.3164(4), Florida Statutes defines comprehensive plan as ". . . a plan that meets the requirements of Sections 163.3177 and 163.3178". Section 163.3177 lists required conditions, studies, surveys and elements of the Comprehensive Plan. Further, the following two provisions of Chapter 163, Florida Statutes are emphasized by the State:

- 1. Melbourne Beach is charged with setting levels of service for public facilities in the Comprehensive Plan in accordance with which development must occur and permits will be issued; and
- 2. Public facilities and services needed to support development in Melbourne Beach shall be available concurrent with the impacts of such development.

# Data and Analysis Requirements

All goals, objectives, policies, standards, findings and conclusions within the Town's Comprehensive Plan and its support documents shall be based upon relevant and appropriate data. All tables, charts, graphs, maps, figures and data sources, and their limitations shall be clearly described.

The Town is not required to collect original data; however, it is encouraged to utilize any original data necessary to update or refine the Comprehensive Plan data base, as long as methodologies are professionally accepted.

Data used shall be the best available, unless the Town desires original data or special studies. Where data augmentation, updates, or special studies or surveys are deemed necessary, appropriate methodologies shall be clearly described or referenced and shall meet professionally accepted standards for such methodologies.

The Comprehensive Plan shall be based upon resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections shall be either those provided by the University of Florida, Bureau of Economic and Business Research, those provided by the Executive Office of the Governor, or shall be generated by the Town.

### Procedural Requirements

The Town's comprehensive plan shall be adopted and amended pursuant to the procedural requirements of Sections 163.3184 and 163.3187, Florida Statutes.

# Goals, Objectives and Policies

The following sections of this document shall comprise the goals, objectives and policies component of the Melbourne Beach Comprehensive Plan:

<u>Element</u>	<u>Chapter</u>
Future Land Use	2
Transportation	3
Housing	4
Infrastructure	5.A
Ten-Year Water Supply Facilities	
Work Plan Sub-Element	5.B
Coastal Management	6
Conservation	7
Recreation And Open Space	8
Public School Concurrency	9
Intergovernmental Coordination	10
Capital Improvements	11
Maps	<u>12</u>

# Citizen Participation

When the Town begins the adoption or amendment process, it is required by State law that appropriate public hearings be held. Procedures presented in Chapter 163, Part II, Florida Statutes are closely followed and adhered to at that time. As particular issues or matters of an expressed community concern arise, the Local Planning Agency (LPA) may hold additional public meetings or hearings, to address such concerns. Copies of public meeting legal notices are published pursuant to Chapter 166.04 (3) (a), Florida Statutes.

The Town shall review, and revise as necessary, the Five-Year Schedule of Capital Improvements, pursuant to Policy 1.3 of the Capital Improvements Element each year.

# Maps Showing Future Conditions

Maps showing future conditions and/or illustrating Comprehensive Plan directives are included within Element 12 Maps.

# Comprehensive Plan Adoption Ordinance

The comprehensive plan adoption ordinance is included herein by reference. Copies of ordinances and legal notices, published pursuant to Chapter 163, Florida Statutes are on file with the Melbourne Beach Town Clerk.

# Support Documentation

The balance of the statutory requirements not specifically cited herein shall be considered as support documentation. These requirements are addressed in the 2010 Town of Melbourne Comprehensive Plan document, and updated by the Melbourne Beach Evaluation and Appraisal Report (EAR), dated August 2019, and the 2020 Melbourne Beach Support Documentation.

Support documentation that forms the basis for the Comprehensive Plan should be updated as part of each successive EAR-based comprehensive plan amendments.

# Planning Period

The Town's comprehensive plan must include a planning period for at least a ten-year period. On this basis, the 2020 – 2030 period is utilized in the Melbourne Beach Comprehensive Plan.

The Town is projected to be nearly fully developed, with little remaining vacant land, during the planning period. As a result, buildout impacts upon infrastructure and services are fully accounted for during the planning period. This conclusion will be reassessed at the time that each subsequent Evaluation and Appraisal Report is prepared.

# Population Projections

The 2019 population of Melbourne Beach in 2019 was estimated at 3,111 residents by the Florida Legislature Office of Economic and Business Research. Population projections for Melbourne Beach were prepared during the 2019 EAR process. It was projected that buildout of the Town will occur during the FY 2020 — 2030 period. Based upon analysis in the EAR, it is projected that Melbourne Beach will attain a population of 3,184 permanent residents and 292 peak seasonal residents by 2030, the planning horizon of this Comprehensive Plan (Source: Land Research Management, Inc.).

### Monitoring and Evaluation

The role of monitoring and evaluation is vital to the effectiveness of any planning program and particularly for the Capital Improvements Element. This is largely because the Town's revenue and expenditure streams are subject to fluctuations every year. In order to maintain the effectiveness and relevance of the Capital Improvements Schedule, the Capital Improvements Element requires a continuous program for monitoring and evaluation.

The annual review will be the responsibility of the Town Commission. The Town Manager will serve as advisory member at all formal deliberations related to capital improvement monitoring and evaluation. The Town Council will direct the Town Manager to take appropriate action based upon its findings.

# Community Character Goal

The community character goal is the overall goal toward which all other goals, objectives and policies are directed. Ultimately, the development of plans, enforcement of regulations, and operations of the Town are directed toward this end.

It is important to note that in 1980, the Town of Melbourne Beach adopted a Comprehensive Plan containing an overall community character goal. This community character goal was carried over into the Comprehensive Plan adopted in 1988. Over the last thirty years, there has been much done to ensure that this goal is accomplished. It is with this in mind that we restate and reaffirm the following goal for the Town of Melbourne Beach upon which this plan and all local government actions are based:

To Retain And Further Promote A Residential Community With Basic Public Services Provided Locally

1	FUTURE LAND USE
2	TRANSPORTATION
3	INFRASTRUCTURE
4	CONSERVATION
5	RECREATION/ OPENSPACE
6	HOUSING
7	INTER GOVERNMENTAL COORDINATION
8	POBLIC SCHOOLS (NO LONGER REQUIRED)
9	CAPITAL FMPROVEMENTS
10	PROPERTY RIGHTS (NEW REQUIREMENT)

### **FUTURE LAND USE**

GOALS, OBJECTIVES, AND POLICIES (Rev: Ord. 2012-04; 2012-05; 2014-06; 2016-03; 2016-08; 2016-09; 2017-01; 2017-02; 2018-01)

GOAL I Loxahatchee Groves will continue to protect its natural environment and rural character in the midst of an urbanizing region. The Town will continue to be a rural residential and agricultural community that has a great respect for lifestyle choices balanced with historical community needs.

# 1.1A Objective:

The Town shall protect its rural character by maintaining Okeechobee Boulevard as a two-lane section.

- 1.1A.1 Policy: In order to maintain the two-lane section, the Town shall support implementation of the following Okeechobee Boulevard improvements:
  - a) Expansion to a two-lane divided median enhanced rural parkway with properly-spaced left-turn lanes.
  - b) Traffic calming features, to include but not limited to roundabouts at the Letter Road intersections with Okeechobee Boulevard.
  - c) Implementation and enforcement of reduced speed limits.
- 1.1A.2. Policy: On an annual basis, work with Palm Beach County to incorporate future roadway improvements that implement the Town's Okeechobee Boulevard planning policy within the Five-Year Transportation Improvement Program (TIP). In this regard, the Town Council shall be represented at Metropolitan Planning Organization (MPO) meetings in preparation of the TIP.

### 1.1A.3. Policy:

To provide a center of accessible shopping, recreation, and employment opportunities for Loxahatchee Groves' residents, the Town shall create a rural-style commercial center along the Southern Boulevard corridor

# 1.1B Objective:

The Town shall designate future land uses with appropriate uses, densities and intensities that will protect residential and agricultural land uses and encourage limited economic development.

### 1.1B.1 Policy:

Land use shall be determined by a Future Land Use Map.

### 1.1B.2 Policy:

The Town shall regulate density and intensity of land uses as noted in Table 1-8.

### 1.1B.3 Policy:

The Town shall ensure that future land use designations are compatible with adjacent land uses within and outside of the Town boundary.

# 1.1.B.4Policy:

Land development regulations will, at a minimum:

- a) Regulate the subdivision of land;
- b) Regulate the use of land and water consistent with this Comprehensive Plan and ensure the compatibility of adjacent land uses and provide for open space:
- c) Regulate areas subject to seasonal and periodic flooding and provide for drainage and storm water management;
- d) Protect potable water wellfields and aguifer recharge areas;
- e) Regulate the placement, size and design of signs in the zoning code in order to enhance local businesses and prevent sign pollution;
- f) Ensure safe and convenient on-site traffic flow and vehicle parking needs; and
- g) Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan.
- h) Create codes allowing diverse low impact home-based businesses.
- i) Establish codes to regulate uses that create large scale places of assembly.
- j) Buffer residential uses from non-residential uses using mechanisms to promote and enhance the rural natural environment.
- k) Direct future commercial low and commercial low office development to the Southern Boulevard corridor.

### 1.1B.5 Policy:

In reviewing applications for development permits, the Town shall consider all relevant factors, including but not limited to, consistency and compatibility with the Future Land Use Element of the Comprehensive Plan, together with all other Comprehensive Plan elements. The Town shall also consider compatibility with adjacent

zoning, approved plats and existing land uses, including occupied residential areas.

# 1.1.B.6Policy:

The Town shall encourage the use of innovative land development regulations that enhance the rural atmosphere, reduce energy usage, reduce greenhouse gas emissions.

### 1.1.B.7 Policy:

The Town will discourage and assess potential for urban sprawl in formal review of development proposals utilizing criteria in Rule 9J-5.006(5)(g). F.A.C.

# 1.1.B.8 Policy:

The Town shall continue to maintain the rural zoning regulations for areas designated Rural Residential in order to protect and preserve the rural communities of present and future residents of these areas. The regulations shall, at a minimum:

- 1. Retain an agricultural/residential zoning category and the agricultural uses permitted by the land development code;
- Provide for zoning districts, which appropriately accommodate residential and/or agricultural uses, which are consistent with the Rural Residential Future Land Use designation;
- Provide assurances that allowed agricultural uses shall be compatible with a rural residential neighborhood in the land development code;
- 4. Guarantee the keeping of livestock;
- 5. Maintain specific regulations to restrict the types of non-residential and nonagricultural uses allowed and promote the rural character through design,
- 6. Allow home occupation uses that will not degrade the rural character of the area;
- 7. Include provisions for legal non-conforming agricultural uses consistent with this Plan, while not violating the Right-to-Farm Act: and
- 8. Include provisions that: encourage maximizing the preservation of open space and protection of native vegetation and tree canopy in front, rear, and side yards; preserve environmental systems; protect wildlife; and, retain the rural character.

### 1,1B.9 Policy:

Define accessory uses while recognizing the protections provided in the Right to Farm Act and minimize adverse impacts on neighboring properties including the use of Best Management Practices where available.

# 1.1B.10 Policy:

The Town shall investigate a special tax valuation for properties that have a Conservation land use and when the land is dedicated to natural resource protection by December 2010.

### 1.1B:11 Policy:

The Town shall regulate in the land development code accessory dwelling units, caretaker quarters, and groom's quarters.

- a. The Town shall allow accessory dwelling units limited to one bedroom and one bathroom.
- b. Caretaker quarters shall be allowed on parcels with bona fide agricultural uses.
- c. Groom's quarters shall be allowed on parcels where there are equestrian uses.

# 1.1B.12 Policy:

The Town shall base all future land use decisions upon and consistent with the adopted Comprehensive Plan.

### 1.1B.13 Policy:

Town will adopt and enforce a set of land development regulations that are consistent with and implement the Town's Comprehensive Plan within one year of adoption of the Comprehensive Plan and submit them to DCA for review.

### 1.1B.14: Policy:

The Multiple Land Use (MLU) land use designation may be assigned to parcels which are planned to incorporate more than one land use category within a unified plan of development in order to implement Comprehensive Plan directives, including: promotion of sustainable living concepts, preservation of the natural environment, joint traffic impacts assessment; encouragement of alternative transportation modes and economic growth, and mitigation of potential adverse impacts to surrounding areas. In order to be approved by the Town for an MLU designation, a parcel of land shall meet the following criteria:

- a. Minimum Parcel Size: 50 acres.
- b. Road Frontage and Primary Access: A minimum of 1,000 linear feet on an arterial roadway, as defined on Map TRN 2.3 of the Comprehensive Plan.
- c. Maximum Parcel Depth From Road Frontage: 2,000 linear feet.
- d. Mix of Land Uses: Each parcel assigned an MLU land use designation shall contain a combination of three (3) or more land uses from those listed in Table 1-8.

- e. Development Intensity: The maximum aggregate development potential for an MLU-designated parcel shall be determined by multiplying the acreage of each included land use category by its intensity, as defined in Table 1-8, and summing the result. However, based upon the infrastructure impact assessments performed during the approval process, or voluntarily by an applicant, development potential may be limited by the Town Council.
- f. Conditions of Approval: Any conditions of approval limiting development intensity of an MLU, or other conditions deemed necessary to implement Comprehensive Plan directives shall be stated in the form of Special Policies under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan.
- g. Future Land Use Map: Each parcel of land with an approved MLU land use designation shall be so indicated on the Future Land Use Map, along with notes referring to conditions of approval enacted by special policy under Objective 1.15 of the Future Land Use Element.

Table 1-8 Future Land Uses

Land Use Category	Density	Intensity (Maximum Floor Area Ratio)	Uses
RESIDENTLÄL			
Rural Residential 5 (RR-5)	1 du/5 acres	0.15 (non-residential uses only)	Single-family dwelling units and agricultural uses. Agricultural uses shall be compatible with a rural residential neighborhood.
COMMERCIAL			
Commercial Low Uses (CL)		0.10	A limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential areas. Limited institutional and public facilities allowed.
C Sec.			Offices for administrative, professional and business purposes; banking and financial institutions; membership organizations; and uses that are accessory to the office use including
Commercial Low (CL-O)		0.20	restaurants. Limited institutional and public facilities allowed.
INSTITUTIONAL			
			Uses permitted in the Institutional and Public Facilities future land use designation include a full range of regional and community uses such as educational; child care facilities and adult day care facilities: congregate living facilities; medical and accessory offices: hospitals, public health clinics, emergency
Institutional and Public Facilities (INST)		0.10	shelters; governmental, religious, cemetery, civic, cultural, judicial and caretakers' quarters.

Town of Loxahatchee Groves Comprehensive Plan Adoption - February 2009; Rev: Ord. 2012-04; 2012-05; 2014-06;2016-03; 2016-08; 2016-09; 2017-01; 2017-02; 2018-01

PARKS AND RECREATION			
Parks and Recreation (PARK)		0.10	Developed or planned sites owned by a governmental entity that provide the public an opportunity to partake in a variety of recreational activities that may be active, passive, or special in nature in a safe and convenient manner that is compatible with its environs.
CONSERVATION			
			Natural areas for the purpose of conserving or protecting natural resources or environmental quality. These areas may be used for wildlife management, passive recreation, and environmental restoration/ preservation. The Town shall designate lands which contain natural resources that are to be protected, restored, enhanced, and managed, as appropriate, to sustain viable ecosystems and wildlife habitat and natural resources. These
Conservation (CON)		0.05	natural areas may include site improvements to support uses which are deemed appropriate and consistent with the function of the designated area.
MULTIPLE LAND USE			
			Parcels planned to incorporate multiple Town land use categories, as defined herein, within a unified development concept. Uses may vary from parcel to parcel, depending upon the approved mix of Town land use categories incorporated therein, consistent with Policy 1.1.14 and site specific policies, per Objective 1.15.
Multiple Land Use (MLU)	Ref. Policy 1.1.14	Ref. Policy 1.1.14	

Notes: 1. The density calculation for a property is based on the property's gross acreage.2. That portion of a property dedicated for right-of-way in exchange for compensation may not subsequently be included with the parent property or another property for the purpose of a density or intensity calculation.

Adoption - February 2009; Rev. Ord. 2012-04; 2012-05; 2014-06;2016-03; 2016-08; 2016-09; 2017-01; 2017-02; 2018-01

# 1.2 Objective:

Development of a rural style commercial center shall be limited to the Southern Boulevard Corridor.

#### 1.2.1 Policy:

The Town shall limit new commercial development to areas south of East Citrus Road border to border.

#### 1.2.2 Policy

The Town shall examine a special taxing district for non-residential uses south East Citrus Road East border to border by December 2010.

# 1.2.3 Policy:

The Town shall endorse a substantial equestrian facility along the Southern Boulevard Corridor.

# 1.2.4 Policy:

The Town shall consider extension of Tangerine Drive from the equivalent of 161st Terrace to E Road.

# 1.3 Objective:

The Town shall strive to encourage a rural community design and look.

#### 1.3.1 Policy:

The Town shall adopt an ordinance for non-residential development that reflects and updates the Rural Vista Guidelines by January 2010.

#### 1.4 Objective:

The Town shall effectively manage and monitor development and redevelopment to assure that facilities and services meet adopted levels of service.

#### 1.4.1 Policy:

Development orders and permits will be conditioned on the availability of the facilities and services necessary to serve the proposed development.

#### 1.4.2 Policy:

Land use regulations shall require that facilities and services meet the established level of service standards and are available concurrent with the impacts of development.

#### 1.4.3 Policy:

Providers of public facilities must be able to authorize service to the various land uses at the same time as the land uses are permitted.

# 1.4.4 Policy:

Ensure that new development bears a proportionate fair share of the cost for public facility improvements needed to accommodate the impacts of new development by utilizing a variety of mechanisms to access and collect impact fees, dedications and/or contributions from private development.

# 1.4.5 Policy:

Ensure the availability of suitable land for utility facilities necessary to support proposed developments.

# 1.5 Objective:

The Town shall specify the land use categories in which public schools are an allowable use.

# 1.5.1 Policy:

The Town shall allow public schools as a permitted use subject to special exception approval by the Town Council in the Institutional and Public Facilities (INST) future land use category. In any event, Special Policy 1.15.4 of the Future Land Use Element shall be interpreted as the Palm Beach State College property remaining a lawful use and not transformed to a nonconforming use by virtue of any amendment to the permitted uses in the Rural Residential 5 (RR 5) Land Use Category or the Town's Unified Land Development Code (ULDC).

#### 1.5.2 Policy:

To the extent possible, the Town shall support the collocation of school sites with public facilities such as parks, libraries, and community centers.

#### 1.6 Objective:

The Town shall maintain an emergency management plan to reduce or eliminate the exposure of human life and public and private property to natural hazards.

# 1.6.1 Policy:

The Town shall prepare a Comprehensive Emergency Management Plan to ensure that actions needed to protect the public health and safety shall receive first priority in emergency permitting decisions by March 2009.

# 1.6.2 Policy:

The Town shall coordinate their Comprehensive Emergency Management Plan with the County Emergency Management Office for compliance with the County Emergency Management Plan.

#### 1.6.3 Policy:

The Town shall ensure level of service standards for public facilities are returned to pre-storm levels as soon as possible after a storm event.

# 1.6.4 Policy:

The Town shall prepare a post-disaster redevelopment plan by December 2010.

#### 1.7 Objective:

Provide identification, protection and awareness of historic resources in order to preserve the Town's unique history.

# 1.7.1 Policy:

The Town of Loxahatchee Groves shall identify opportunities to exhibit Town history in future Town facilities, greenways and equestrian trails, and within parks located within the Town.

# 1.7.2 Policy:

The Town shall coordinate historic resource protection activities, procedures and programs with applicable state and federal laws, policies and guidelines.

# 1.7.3 Policy:

The Town shall undertake a survey of historic properties by 2011.

# 1.8 Objective:

The Town shall monitor and protect natural resources in accord with the goals, objectives and policies in the Conservation Element.

#### 1.8.1 Policy:

The Town shall require approval from all applicable external agencies regarding the protection of environmentally sensitive habitats.

# 1.9 Objective:

Protect the quality and quantity of the Town's potable water supply by limiting activities and land uses within the wellfield areas.

#### 1.9.1 Policy:

New septic tank systems shall meet applicable state standards for permitting.

#### 1.10 Objective:

Minimize flooding problems by coordinating future land uses with topographic, drainage and stormwater management systems and appropriate development codes and regulations.

# 1.10.1 Policy:

Town development codes shall contain floodplain protection provisions consistent with the criteria and mapping of the Federal Emergency Management Administration.

#### 1.10.2 Policy:

Through the land development code, public roads and parking lots shall be designed consistent with the criteria of the Loxahatchee Groves Water Control District and the South Florida Water Management District.

#### 1.10.3 Policy:

New development shall coordinate with the South Florida Water Management District, the Loxahatchee Groves Water Control District and appropriate agencies in Palm Beach County to provide consistency with water management regulations.

# 1.11 Objective:

The Town shall work towards the elimination of existing land uses which are inconsistent with the Town's development pattern and not compatible with the proposed future land uses.

# 1.11.1 Policy:

Inconsistent uses are hereby defined as any uses which are located on a site where they would not be permitted by this comprehensive plan.

# 1.11.2 Policy:

The Town shall adopt and maintain land development regulations which protect the rights of property owners to continue non-conforming uses, but which, at a minimum, provide for the termination of such rights upon the abandonment of a non-conforming use for an extended period of time.

# 1.11.3 Policy:

Uses that Are Non-Conforming Due to Density. Existing legally permitted and constructed structures as of the date of adoption of the comprehensive plan may remain. If the legally permitted structure is damaged, destroyed or redeveloped so as to require substantial improvement, it may be repaired, replaced or restored to the same density, provided that the development is brought into compliance with all other applicable codes and regulations.

# 1.11.4 Policy:

Owners of non-conforming lots of record that were legally established prior to the date of incorporation may construct one single family home on their lot.

#### 1.11.5 Policy:

Existing naturist recreational vehicle park which includes private club and accessory recreational facilities legally established prior to the date of incorporation may remain.

1.12 Objective: The Town shall consider changes to the future land use plan based upon energy-efficient land use patterns and discouragement of sprawl accounting for existing and future energy electric power generation and transmission systems.

#### 1.12.1 Policy:

The Town shall ensure the Town's comprehensive plan and land development code does not prevent the construction of electric substations within the Town.

#### 1.12.2 Policy:

The land development code shall allow for use of alternate, renewable sources of energy including the use of solar panels.

1.12.3. Policy: Reserved1.12.4 Policy:

The Town shall continue to allow home based businesses to the extent that impacts are compatible with an agricultural/residential community.

1.12.5 Policy:

The Town will strive to reduce greenhouse gas emissions by reducing traffic congestion and air pollution. The Town will promote alternative forms of transportation by solidifying a greenways/equestrian trail plan and cooperating with Palm Beach County for new and improved transit. The Town will also plan internal roadways and cross access between parcels that will allow for more efficient travel.

1.12.6 Policy:

The Town shall ensure development and redevelopment is transit-ready along major transportation corridors.

- 1.13 Objective: The Town shall implement greenhouse gas reduction strategies.
  - 1.13.1 Policy:

The Town shall educate residents on home energy reduction strategies.

1.13.2 Policy:

The Town shall educate residents, business owners and farmworkers on the cost and environmental effects of automobile idling.

1.13.3 Policy:

The Town shall encourage and educate the public in the planting and maintenance of trees and provide public education on the placement of canopy trees and other landscape materials to strategically provide shade and reduce energy consumption.

1.13.4 Policy:

The Town shall continue to reduce the heat island effect by supporting sustainable agricultural uses and practices with in the Town such as Department of Agriculture Best Management Practices.

1.13.5 Policy:

The Town shall continue to require open space and pervious surface areas in development and redevelopment.

1.13.6 Policy:

The Town shall amend the land development regulations to adopt specific standards and strategies that address greenhouse gas emissions, energy efficient housing, and overall energy conservation within one year of adoption of the Comprehensive Plan.

1.14 Objective: The Town shall encourage the redevelopment and renewal of blighted areas in order to ensure stability of the community as needed.

# Policy 1.14.1:

Establish administrative procedures to require rehabilitation and/or demolition of housing, if necessary, following a natural disaster or if a dwelling unit is damaged by fire beyond repair.

# Policy 1.14.2:

At the time of each required Evaluation and Appraisal Report, evaluate the need to designate any housing structures as locally historically significant and in need of special consideration under the provisions and criteria cited in the Standard Housing Code.

- 1.15 Objective: Special land use policies may be adopted by Loxahatchee Groves when necessary to address site-specific issues related to implementing the Loxahatchee Groves Comprehensive Plan and its special planning studies.
- 1.15.1 Special Policy 1.15.1: Reserved.
- 1.15.2 Special Policy:
  - (1) Land use and density/intensity of development on the property delineated as "Special Policy 1.15.2" on the Future Land Use Map, Map # FLU -1.10, shall be regulated by the application of the Multiple Land Use (MLU) land use category, and the following criteria: Commercial Low (CL) Maximum of 34.34 acres/ 103,000 sq. ft. of retail commercial space; Commercial Low Office Maximum of 16.0 acres/44,000 sq. ft. of professional and medical office commercial space; and Institutional Minimum of 40.0 acres/Maximum of 128 congregate living beds.
  - (2) A 300 foot wide buffer shall be incorporated in the master plan along that portion of the MLU adjacent to the Collecting Canal.

# 1.15.3 Special Policy:

Land use and intensity of development on the property delineated "Special Policy 1.15.3" on the Future Land Use Map, Map # FLU -1.10, shall be regulated by the application of the following: (a) The applicant shall record a Deed Restriction which shall provide that the Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.074 in order to accommodate a maximum of 30,000 sq. ft. of commercial low intensity uses; and (b) this restriction shall automatically increase to whatever F.A.R. may be subsequently granted by the Town Council to any other Commercial Low designated property fronting on Okeechobee Boulevard and lying within the Town limits.

(1). A Conceptual Site Plan reflecting the 0.074 F.A.R. shall be approved as part of the initial rezoning approval. Subject to potential future F.A.R. increases permitted by Special Policy 1.15.3(b), development uses, access and intensity—shall be consistent with the Conceptual Site Plan.

2). Any increase in development intensity above a 0.074 F.A.R., as permitted in Special Policy 1.15.3(b), shall be processed through the Town's site plan or site plan amendment approval process, as appropriate.

# 1.15.4 Special Policy:

Development on the Palm Beach State College Property delineated as "Special Policy 1.15.4" on the Future Land Use Map, Map # FLU-1.10, shall be regulated by the following criteria:

- (1) Policy 1.15.4-a: Development of the property shall be governed only by the following regulations:
  - a. SREF- State Requirements for Educational Facilities as adopted in Rule 6A-2.0010
  - b. Florida Building Code
  - c. Florida Fire Prevention Code
  - d. South Florida Water Management District
  - e. Loxahatchee Groves Water Control District
- (2) Policy 1.15.4-b: A "Master Site Development Plan" providing the following information for the overall site shall be submitted to the Town for approval prior to issuance of the first building permit:
  - a Site Acreage
  - b. Site boundaries clearly identified, and ties to section corners.
  - c. Existing and proposed land uses and existing uses on adjacent land
  - d. Generalized location of development areas and uses.
  - e. Indication of vehicular connections to public rights-of-way.
  - f. A valid Conceptual Driveway Permit approval from the Florida Department of Transportation issued pursuant to the "State Highway System Access Management Classification System and Standards", as amended.
  - g. Design Guidelines to be consistent with the intentions of the Town's Rural Vista Guidelines as can be applied to a college campus.
  - h. All adjacent public and private rights-of-way and easements, indication of ultimate right-of-way line, centerline, width, pavement width, existing and proposed median cuts and intersections, street light poles and other utility facilities and easements.
  - i. Indication of existing native vegetation that will be preserved.
  - j. A detail of the proposed buffer for screening along the northern boundary, including addressing removal of invasive vegetation and replanting.

k. Site Data, including the maximum intensity permitted on site.

(3) Policy 1.15.4-c: A copy of the "Campus Master Plan" prepared pursuant to State Requirements for Educational Facilities as adopted in Rule 6A- 2.0010 and all future 5-year updates shall be submitted to the Town of Loxahatchee Groves for informational purposes. The 5 - year updates to the "Campus Master Plan" shall be submitted to the Town of Loxahatchee Groves for informational purposes prior to submission of the Plan to the Department of Education. During the development of the Educational Plant Survey and the Campus Master Plan, the Town shall be given the opportunity to raise any issues or concerns with the Plan for consideration by the College.

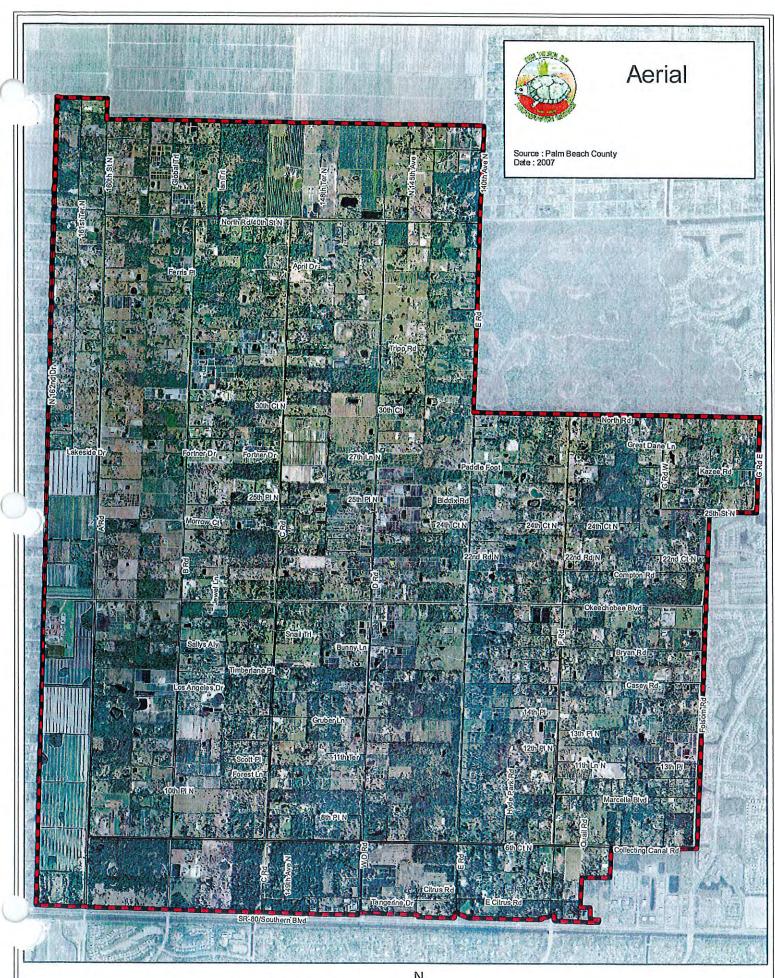
1.15.5 Special Policy: RESERVED

# 1.15.6 Special Policy:

The existing veterinary clinic use for the treatment of small and large animals on the property delineated as "Special Policy 1.15.6" on the Future Land Use Map, Map #FLU-1.10, is determined to be legal and conforming to the Loxahatchee Groves Unified Land Development Code (ULDC) and may expand subject to the land development regulations therein, provided that the on-site care and treatment of Class I and Class II wildlife, as defined in Florida Administrative Code Section 68A-6.002(1), is prohibited.

#### 1.15.7: Special Policy:

Properties within the area defined by the following features, where a planned mixture of non-residential land use designations currently predominates, may apply for a change in land use to a MLU, CL, CLO, INST or CON Future Land Use designation: Collecting Canal (north), Southern Boulevard (south), "C" Road (east), and "B" Road (west).



# June 2020

# Town of Loxahatchee Groves

# 2030 Future Land Use Map



Legend Municipal Boundary Parcel Boundary CL - Commercial Low CLO - Commercial Low: Office IPF - Institutional and Public Facilities MLU - Multiple Landuse PARKS - Parks & Recreation RRS - Rural Residential Special Policy Assigned A - Special Policy 1.15.2 (MLU) B - Special Policy 1.15.3 (CL) North Rd C - Special Policy 1.15.4 (RR5) D - Special Policy 1.15.6 (RR5) E - Special Policy 1.15.7 (RR5) North Rd. Compton Ad Okeechobee Blvd Timberlane Pi D'Rd A Rd



#### GOAL 1

The Town of Loxahatchee Groves shall provide, maintain and improve a safe, convenient and energy efficient multi-modal transportation system that is consistent with the Town's growth management principles, specifically the maintenance of its character, and is coordinated with a regional network which balances the needs of all current and future users in a manner to ensure the economic vitality of the Town as a rural residential community and the enhancement of the Town's quality of life.

# **Concurrency Management**

# 2.1 Objective

The Town shall ensure that adequate public facilities are available concurrent with the impacts of development, and shall monitor impacts resulting from new development.

# 2.1.1 Policy:

The Town of Loxahatchee Groves shall adopt the generalized two-way peak hour volumes for Florida's Urbanized Areas for all County urban collector roadways such as Okeechobee Boulevard at the Level of Service (LOS) "D" standard. However, in order to maintain Okeechobee Boulevard as a two-lane section, the Town may pursue a CRALLS (Constrained Roadway Operating At A Lower Level Of Service) designation or alternative roadway classification.

#### 2.1.2 Policy:

The Town of Loxahatchee Groves shall adopt the generalized two-way peak hour volumes at the Level of Service standards established by the Florida Department of Transportation for all roadways on the State Highway System, Florida Intrastate Highway System (FIHS), and/or Strategic Intermodal System (SIS).

# 2.1.3 Policy:

The transportation network should be kept at the adopted Levels of Service by means of implementation of improvements to correct projected deficiencies. Projects should be listed in the Five-Year Schedule of Capital Improvements.

# 2.1.4 Policy:

The Town shall coordinate with Palm Beach County and the Florida Department of Transportation to address the deficiencies of roadways, as identified in the existing and future level of service analysis.

# 2.1.5 Policy:

Prior to the granting of a building permit, an applicant shall obtain transportation concurrency approval from Palm Beach County and the Town. No building permit will be issued unless documentation of the corresponding transportation concurrency approval certificate has been presented.

# Intergovernmental Coordination

# 2.2 Objective

The Town of Loxahatchee Groves shall participate in cooperative intergovernmental plans and programs to improve the safety, efficiency of the transportation system, while protecting the interests of the Town.

# 2.2.1 Policy:

The Town of Loxahatchee Groves shall coordinate with Palm Tran and the Palm Beach County MPO to identify programs and policies that will assist in the provision of a convenient, public transit network that will provide both local and regional connections and that will accommodate the physically disabled.

# 2.2.2 Policy:

The Town of Loxahatchee Groves shall participate in cooperative intergovernmental plans and programs that will improve safety for users of all modes of transportation including pedestrian, bicycle, equestrian, motor vehicle and transit.

#### 2.2.3 Policy: Reserved.

#### 2.2.4 Policy:

The Town of Loxahatchee Groves will coordinate with all affected local governments, special districts, the Florida Department of Transportation, Palm Beach County, Palm Beach County MPO and other public agencies to provide input and advocate for implementation of the Town's policies regarding future roadway plans for Okeechobee Boulevard, SR-80 and other roadways as necessary. The Town shall accordingly protect rights-of-way for future roadway projects and shall include right-of-way requirements in the Land Development Regulations.

# **Greenways and Equestrian Trails**

#### 2.3 Objective

The Town of Loxahatchee Groves shall develop a greenway and equestrian trail system to meet the needs and interests of the residents of Loxahatchee Groves. To assist in this effort, the Town may maintain the Roadway Equestrian Trails and Greenways (RETAG) Advisory Committee, created by Town Resolution 2011-05.

#### 2.3.1 Policy:

The Town shall create a map of existing equestrian riding trails.

# 2.3.2 Policy:

The Town shall work toward establishing equestrian trails and greenways within the existing canal maintenance easements on all Letter Roads. In addition, the Town shall identify new connections to existing trails, which if acquired would greatly enhance pedestrian, bicycle, or equestrian circulation throughout the Town.

# 2.3.3 Policy:

A plan for a cohesive internal trail system with connections to neighboring communities may be completed, under the direction of the Roadway, Equestrian Trails and Greenways (RETAG) Committee.

# 2.3.4: Policy

Annually, the (RETAG) Committee shall assess whether the greenway and equestrian trail system is sufficient for the needs of the residents. As part of its annual assessment, RETAG shall recommend projects to be included in the Five-Year Schedule of Improvements.

# 2.3.5 Policy:

The greenway and equestrian trails system, wherever feasible, shall provide connections between residential homes, parks, recreational facilities, open spaces, and commercial facilities throughout the Town.

# 2.3.6 Policy:

All vehicular parking for land uses which are adjacent to the greenway and equestrian trail system should provide the parking on a side away from the trail.

# 2.3.7 Policy:

The Town, in cooperation with LGWCD and the RETAG, shall develop minimum design standards for greenway and equestrian trails for inclusion in its Land Development Regulations. The Town shall coordinate the application of its minimum design standards with the LGWCD whenever a proposed greenway or equestrian trail falls within an LGWCD right-of-way. Further, the RETAG shall work cooperatively with the Loxahatchee Groves Water Control District to develop trail design documents.

#### 2.3.8 Policy:

The greenway and equestrian trail system shall be maintained and improved to be consistent with the Town's minimum design standards.

# 2.3.9 Policy:

The Town shall use landscaping and signs to visually identify crossings and trail access points. Safe and controlled crossings shall be provided.

#### 2.3.10 Policy:

The Town shall ensure sufficient right-of-way is preserved to construct and maintain the multiuse trails.

2.3.11 Policy:

The Town shall coordinate the provision of greenway and equestrian trail connections among adjoining or abutting properties during the site plan review process.

2.4 Objective:

The Town of Loxahatchee Groves' greenway and equestrian trail system shall be financially feasible.

2.4.1 Policy:

The Town shall determine which trails should be considered for public ownership.

2.4.2 Policy:

The Town shall explore the possibility of obtaining grants, gifts, contributions, funding assistance, and other financial resources for the development of equestrian riding trails.

2.4.3 Policy:

The Town should pursue joint efforts with all affected local governments, special districts, and other public agencies with respect to the acquisition, development and maintenance of trails as a means for reducing costs and pooling resources.

- 2.4.4 The following equestrian trails and greenways projects shall be pursued by the Town until such time that a plan pursuant to Policy 2.3.3 is completed:
  - 1. North/south Town-wide trail connectivity along all Letter Roads by pursuing trail crossings of Okeechobee Boulevard and Collecting Canal at these intersections.
  - 2. East-west Town-wide trail connectivity along easements along the south side of Collecting Canal and 6th Court North, North Road, and Okeechobee Boulevard.
  - 3. Equestrian trail/greenway easements within future non-residential developments along Southern Boulevard.
  - 4. Equestrian Trail easements to provide connectivity between Loxahatchee Groves Park and the existing trail on F Road.
  - 5. Additional projects as deemed appropriate by the Town Council, as the opportunity arises.

# Land Use/Transportation Coordination

# 2.5 Objective

The Town shall coordinate the transportation system with the future land use map and ensure land uses are consistent with transportation modes and services proposed to serve those areas.

# 2.5.1 Policy:

The Town shall encourage connectivity among all new development and redevelopment projects so as to minimize impacts on the roadway network.

# 2.5.2 Policy:

The Town shall collocate where possible primary civic facilities, thereby reducing the number of vehicle trips.

# 2.5.3 Policy:

The Town shall coordinate the transportation system with land uses through implementation of, but not limited to, the following programs, activities or actions:

- 1. Transportation facilities and services shall be planned and located in a manner which minimizes the potential impacts on adjacent land uses with consideration given specially to existing residential areas.
- 2. Intermodal facilities shall be located so as to maximize the efficiency of the transportation system.
- 3. All opportunities to provide adequate bus shelters will be explored.

# Right of Way Protection

#### 2.6 Objective

The Town of Loxahatchee Groves shall ensure that future development does not encroach upon existing rights of-way.

#### 2.6.1 Policy:

The Town shall ensure that future development does not encroach upon existing rights-of-way.

#### 2.6.2 Policy:

Future Right-of-Way requirements for State and County roads shall be established in conformance with and Palm Beach County Standards to meet the future needs, while maintaining the rural character of the Town.

# 2.6.3 Policy:

The Town shall continue to obtain additional survey data on the Town Roads as the basis for implementing future road improvements.

# Safety, Maintenance and Improvement of Roadways

# 2.7 Objective

The Town shall maintain a safe local roadway network.

# 2.7.1 Policy:

For the purpose of allocating maintenance and capital improvements projects funds, the Town's local roads shall be classified as follows:

- 1. Category 1 Surfaced local public roads under the jurisdiction of the Town.
  - 1.A. Paved local public roads.
  - 1.B. OGEM-surfaced local public roads.
- 2. Category 2 Unsurfaced local public roads.
  - 2.A. Loxahatchee Groves Water Control District roads.
  - 2.B. Town of Loxahatchee Groves roads
- 3. Category 3 Private local roads (public access).
- 4. Category 4 Private local roads (no public access).

For the purposes of state funding eligibility, maintaining existing Town local road capacity shall be deemed to be construction of new Town local roads, reconstruction, resurfacing or paving of existing surfaced or paved Town local roads, or paving or surfacing of existing graded Town local roads.

#### 2.7.2 Policy:

The Town shall continue to encourage joint use of driveways and cross access agreements among adjoining property owners to allow circulation between sites and reduce the number of vehicular trips along roadways.

# 2.7.3 Policy:

The Town shall ensure that proper traffic signage is provided on local roads including speed limit, warning, guide, and street name signs.

#### 2.7.4 Policy:

The Town shall investigate and implement strategies with all affected governments, special districts, and other public agencies, including the LGWCD, to discourage cut-through traffic on local roads throughout the Town.

#### 2.7.5 Policy:

The Town shall review roadways and intersections with frequent speeding occurrences, operational deficiencies, and/or high crash frequencies. Specifically, the Town shall investigate strategies to coordinate with the Florida Department of Transportation and Palm Beach County to:

1. Address traffic operational deficiencies at Southern Boulevard intersections.

- 2. Reduce speeding on Okeechobee Boulevard.
- 3. Implement Town Okeechobee Boulevard policies stated in Objective 1.1A of the Future Land Use Element.

# 2.7.6 Policy:

The Town shall coordinate with law enforcement agencies to reduce crashes and enforce traffic codes and regulations.

# 2.7.7 Policy:

The Town shall utilize the Road, Greenway, and Equestrian Trail Plan to guide future roadway and equestrian trail maintenance and safety improvements.

# 2.7.8 Policy:

The Town will strive to reduce greenhouse gas emissions by reducing traffic congestion and air pollution. The Town will promote alternative forms of transportation by solidifying a greenways/equestrian trail plan and cooperating with Palm Beach County for new and improved transit. The Town will also plan internal roadways and cross access between parcels that will allow for more efficient travel.

# 2.7.9 Policy:

The Town shall continue to coordinate with LGWCD for proper maintenance of the roadways.

- 2.7.10 The following general roadway programs, determined to be necessary for attaining or maintaining desired service levels, shall be pursued by the Town. Specific projects shall be included as part of the annual review and update of the Five-Year Schedule of Capital Improvements:
  - 1. Intersection control improvements at Okeechobee Boulevard and Southern Boulevard intersections with "D" Road.
  - 2. Installation of OGEM surface treatment and/or pavement at appropriate locations on the Town Roads.
  - 3. Installation of OGEM surface treatment on non Town Roads provided that public right-of-way dedications from all affected property owners are procured.
  - 4. Construction of new Town local roads, reconstruction or resurfacing of existing paved Town local roads, or paving or surfacing of existing graded Town local roads.

# **Transit**

# 2.8 Objective

The Town of Loxahatchee Groves shall support and coordinate with Palm Beach County to provide safe, efficient, and convenient accessibility and availability to transit for all users.

# 2.8.1 Policy:

The Town shall coordinate with Palm Tran and the MPO to provide convenient service and access to intermodal terminals and facilities, including Palm Beach International Airport and other generators and attractors.

# 2.8.2 Policy:

The Town of Loxahatchee Groves shall coordinate with Palm Tran, and the MPO to identify programs and policies that will assist in the provision of a convenient, public transit network that will provide both local and regional connections and that will accommodate the physically disabled.

2.8.3 Require all applicants for site plan approval of all non-residential development on a property fronting Southern Boulevard to conform with the need for a Bus Stop Boarding and Alighting Area (BSBAA), as determined by Palm Tran.

# **Greenhouse Gas Reduction**

# 2.9 Objective

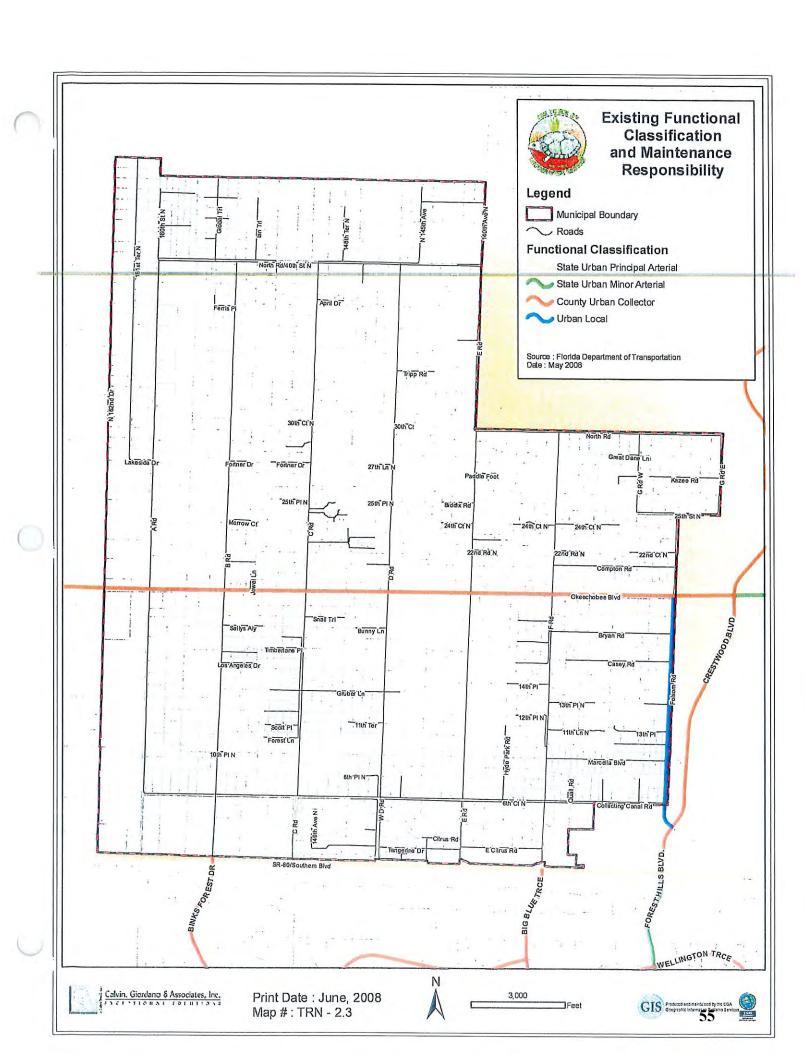
The Town of Loxahatchee Groves shall support and coordinate with Palm Beach County to reduce greenhouse gas emission by promoting alternative modes of transportation.

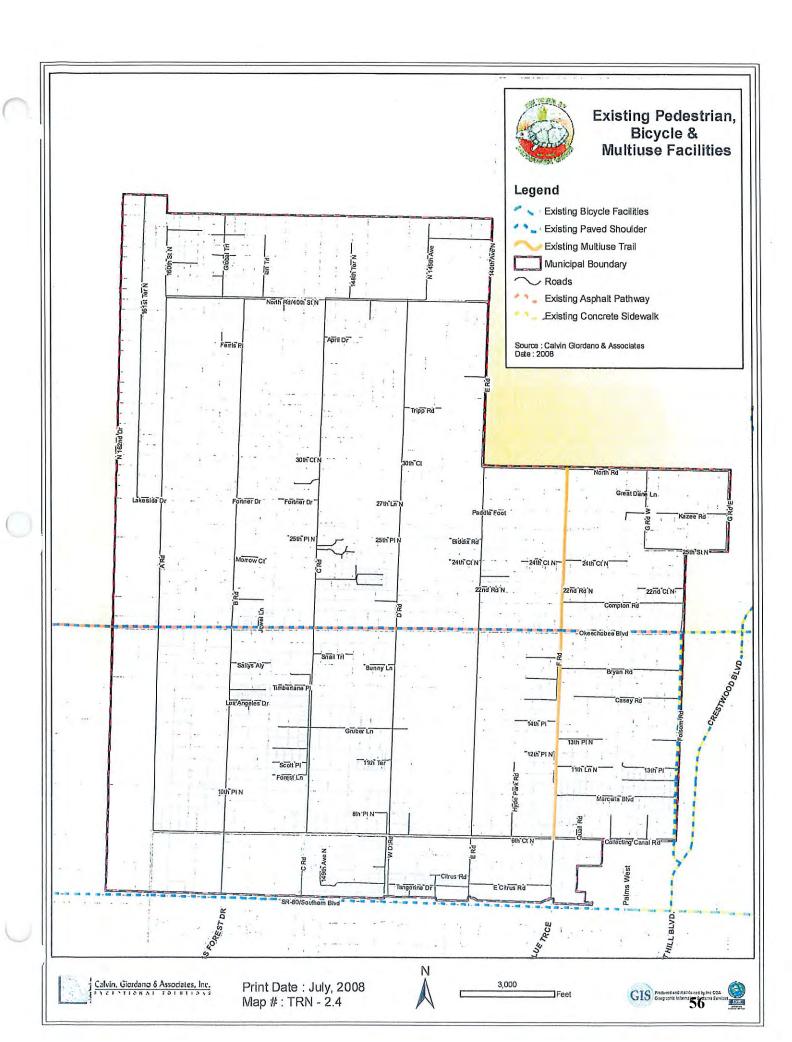
#### 2.9.1 Policy:

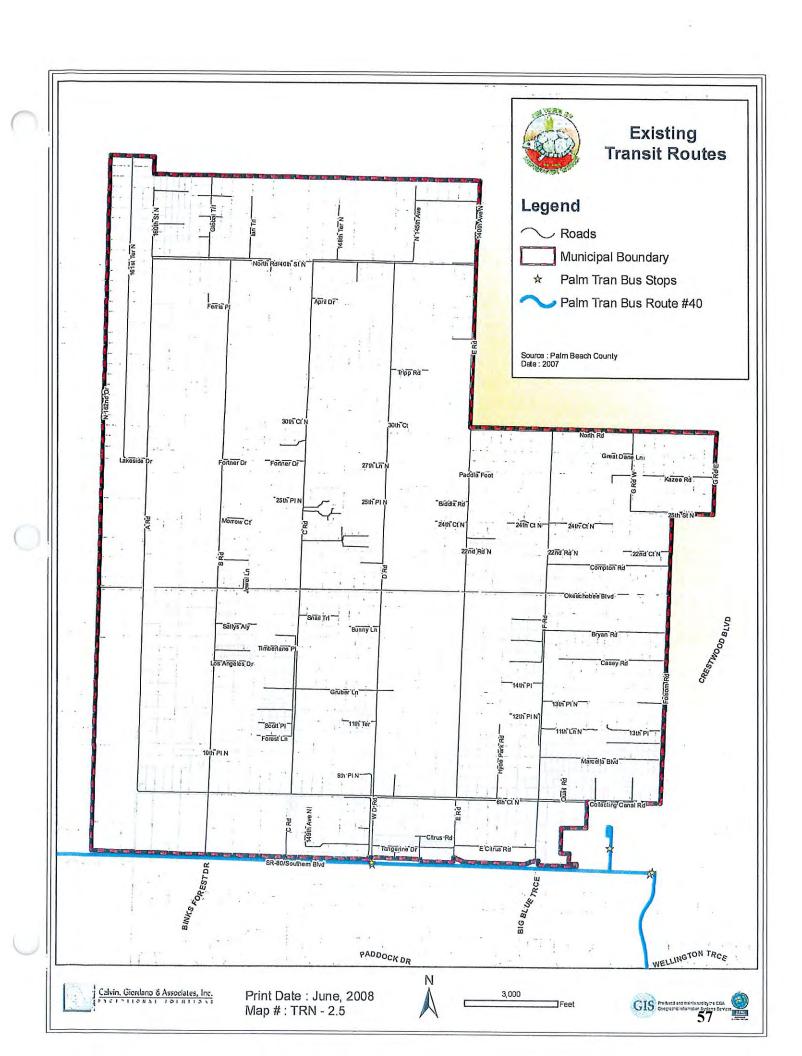
The Town will strive to reduce greenhouse gas emissions by reducing traffic congestion and air pollution. The Town will promote alternative forms of transportation by solidifying a greenways/equestrian trail plan and cooperating with Palm Beach County for new and improved transit. The Town will also plan internal roadways and cross access between parcels that will allow for more efficient travel

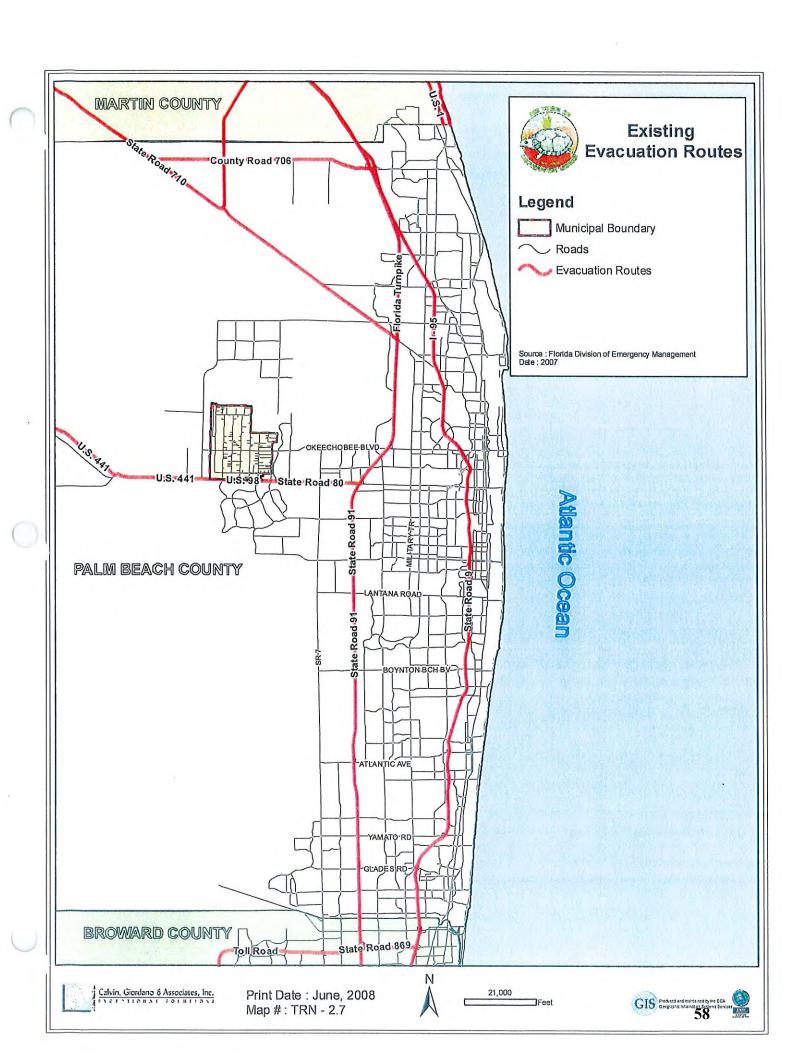
#### 2.9.2 Policy:

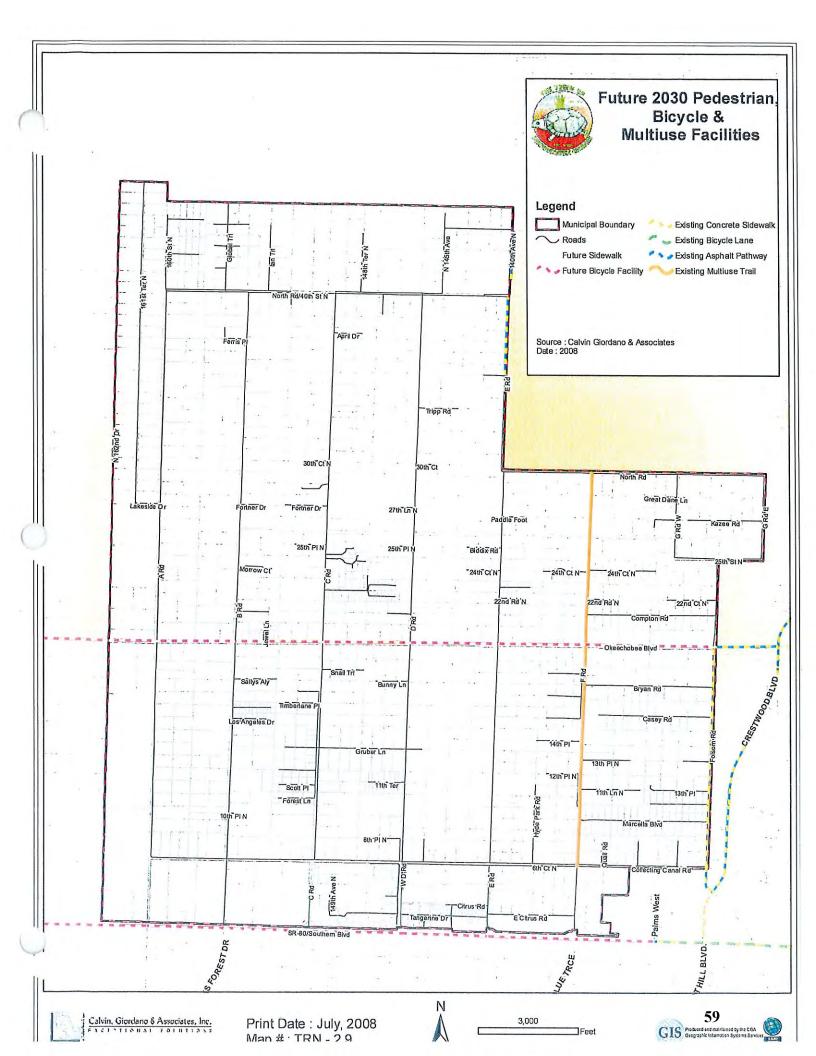
The Town shall ensure redevelopment is transit-ready along major transportation corridors.











# INFRASTRUCTURE GOALS, OBJECTIVES, AND POLICIES (Rev: Ord. 2013-08)

Ensure the provision of high quality, healthful, effective, reliable, efficient, environmentally sound and necessary services for coordinated sanitary sewer, solid waste, drainage, potable water and natural ground water aquifer recharge to town residents and visitors.

#### **DRAINAGE GOAL 3A**

Provide high quality, healthful, effective, reliable, efficient, environmentally sound and necessary services for coordinated drainage.

# 3A.1. Objective:

To optimize the utilization of water resources through provision of stormwater management for the Town which reduces damage and inconvenience from flooding, promotes aquifer recharge, minimizes degradation of water quality in surface and groundwater and protects the functions of wetlands in urban areas.

# 3A.1.1. Policy:

Storm water management facilities shall be designed in accordance with South Florida Water Management District (SFWMD) criteria and, when applicable, with Loxahatchee Groves Water Control District (LGWCD) criteria.

#### 3A.1.2. Policy:

The Town of Loxahatchee Groves shall implement land development regulations which implement the minimum design criteria for stormwater management, as shown below, as the level of service standard to assess adequacy of service and concurrency during the development review process:

- a. Minimum roadway and parking lot elevations shall be at least at the highest elevation that may occur at the peak of the 10-year one-day storm event;
- b. Minimum site perimeter elevations shall be at least the 25-year-3-day stage. Site runoff up to such stage level may not overflow into any adjacent property, unless a permanent drainage easement is obtained;

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev: Ord. 2013-08

Infrastructure Element

- c. Dry or wet retention/detention, stage versus storage, stage versus discharge and flood routing calculations for the 10-year-one day, 25-year-3-day and 100-year-3-day storm events for the site shall be submitted with the site development plans;
- d. Building floor elevations shall be at or above the 100year flood elevation, as determined from the Federal Flood Insurance Rate Maps or calculations following the latest SFWMD methodology, whichever is greater;
- e. Off-site discharge shall be limited to pre-development runoff based on the 25-year-3-day storm event calculated by SFWMD methods;
- f. All roof runoff shall be detained on site.
- g. Storm sewers shall be designed to convey the 5 year –1 day storm event.
- h. Prior to discharge to surface or groundwater, BMP's of SFWMD shall be used to reduce pollutant loading from storm water runoff from non-agricultural uses.
- i. Prior to discharge to surface or groundwater, BMP's of the DEP and USDA shall be used to reduce pollutant loading from storm water run-off from agricultural uses.

#### 3A.1.3. Policy:

The Town shall support the LGWCD in considering the impact of the construction and operation of stormwater management facilities and support services on adjacent natural resources in accordance with SFWMD regulations during the installation of new stormwater management facilities and the expansion of, or increase in capacity of stormwater management facilities.

#### 3A.1.4. Policy:

Coordinate with the SFWMD and the LGWCD to implement applicable portions of the SFWMD regional water resource projects, which intend to reduce losses of excess stormwater to tide, recharge the Surficial aquifer and Water Preserve Areas or provide additional storage surface waters.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev: Ord. 2013-08 Infrastructure Element

# 3A.1.5. Policy:

The Town shall support the LGWCD in addressing stormwater management issues on a watershed (basin) basis in accordance with SFWMD permits as a means of providing cost effective water quality and water quantity solutions to specific watershed problems.

# 3A.1.6 Policy:

The Town shall support the LGWCD in managing the construction and operation of its facilities which dam, divert or otherwise alter the flow of surface waters to minimize damage from flooding, soil erosion or excessive drainage.

# 3A.1.7. Policy:

The Town shall support the SFWMD in maintaining and protect ground water recharge of the Surficial Aquifer system so as to maintain all of the functions of the Aquifer, including the reduction of saltwater intrusion. LGWCD capital projects shall be incorporated within the Town's Five-Year Schedule of Capital Improvements on an annual basis.

# 3A.1.8. Policy:

The Town shall support the LGWCD in requiring that new drainage facilities shall be designed to provide pollution control sufficient to meet criteria of all local, state and federal regulatory requirements, including but not limited to the following when applicable:

- a. Retention of stormwater
- b. Flow of stormwater over grassed and vegetated areas
- c. Sumps
- d. Grease separation baffles
- e. Mosquito control
- f. Infiltration and percolation prior to overflow or outfall discharge.

# 3A.1.9. Policy:

Use Best Management Practices (BMPs) in accordance with its regulations and those of the South Florida Water Management District and the Florida Department of Environmental Protection.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev: Ord 2013-08

Infrastructure Element

# 3A.1.10. Policy:

The Town shall support the Lower East Coast Regional Water Supply Plan and operating procedures to increase recharge water to the Surficial Aguifer.

# 3A.1.11. Policy:

Utilize, preserve, restore and enhance natural water bodies and functions by encouraging non-structural and structural erosion control devices and discourage the canalization, installation of seawalls or other alteration of natural rivers, streams and lakes.

# 3A.1.12. Policy:

Protect the water storage and water quality enhancement functions of wetlands, floodplains and aquifer recharge areas through acquisition, enforcement of rules and the application of land and water management practices which provide for compatible uses.

# 3A.1.13. Policy:

Coordinate with the LGWCD, Palm Beach County and SFWMD to protect aquifers from depletion through water conservation and preservation of the functions of high recharge areas including but not limited to the water conservation areas and water preserve areas.

# 3A.1.14. Policy:

The Town of Loxahatchee Groves shall investigate the need to acquire a National Pollution Discharge Elimination System - Municipal Separate Storm Sewer System (NPDES-MS4) and the implementation of the permit conditions including monitoring of outfalls and improving stormwater management practices by December 2009.

# 3A.1.15. Policy:

The Town of Loxahatchee Groves shall investigate the creation of grading and drainage standards for residential properties.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev: Ord 2013-08 Infrastructure Element

3C.2.1. Policy:

The level of service (LOS) standard for potable water facilities shall be the Florida Department of Environmental Protection Permitted Capacity of the facility. The LOS standard for water treatment plants shall be measured by maximum daily flow. The level of service (LOS) standard for potable water facilities provided by PBCWUD is 126 GPD per capita.

3C.2.2. Policy:

The Town of Loxahatchee Groves shall require in the land development regulations that applicants for development permits utilize existing potable water facilities if lines are available as defined by Chapters 62-550, 62-555, and 62-560, Florida Administrative Code (FAC).

3C.2.3. Policy:

The Town shall support the planning for additional capacity and/or a reduction in per capita demand shall be include in the 10-Year Water Supply Facilities Work-plan as required in Chapter 163 of Florida Statutes to increase the coordination of local land use and future water supply planning.

3C.2.4. Policy:

An assessment of the impacts of the construction and operation of water treatment plants and support services on adjacent natural resources shall be prepared during site review when considering the siting of new water treatment plants and the expansion of, or increase in capacity of, water treatment plants.

3C.2.5. Policy:

The Town shall assist the County with the Retail Service Water and Wastewater Master Plan Update, and support the County to re-examine the feasibility of amending the potable water facilities LOS standard. The LOS standards that may be considered include treatment plant peak daily demand capacity, water storage capacity, and water pressure for distribution facilities.

3C.2.6. Policy:

In order to protect and conserve the Surficial Aquifer, the Town shall cooperate with Palm Beach County to continue to investigate utilization of alternate water sources to supplement and broaden the county's future water supply sources as described in the 10-Year Water Supply Facilities Work Plan. These potential sources could include the increased use of reclaimed wastewater, improved methods of conservation, Aquifer Storage and Recovery (ASR), improved operations to increase stormwater reuse and aquifer recharge by improvements to the secondary canal infrastructure, and other technologies which may be addressed in the Lower East Coast Regional Water Supply Plan of the South Florida Water Management District (SFWMD).

# 3C.2.7. Policy:

The Town shall support and encourage maximizing the use of existing potable water facilities and reducing redundant facilities.

# 3C.2.8. Policy:

The Town shall support and promote the implementation of an integrated geographic information system in order to make available standardized land use and potable water supply facilities information for local and regional planning.

#### 3C.3. Objective:

Maximize the use of existing potable water facilities and encourage responsible growth patterns.

# 3C.3.1. Policy:

The Town of Loxahatchee Groves shall require in the land development regulations that applicants for development permits adjacent to existing facilities enter into an agreement to tie-in to existing facilities or construct improvements to the utility provider's potable water system necessitated by the proposed development when adequate facilities, based on the adopted level of service standard, are not available and no fiscally feasible plan to construct or expand said facilities is proposed.

#### 3C.3.2. Policy:

The Town shall recommend the denial of future land use map amendments where densities or intensities are increased if:

- 1. Potable water facilities are not available and a consumptive use permit for the Florida Department of Environmental Protection Permitted capacity from the South Florida Water Management District (SFWMD) has not been issued; and
- 2. Plans to extend potable water facilities so that they become available are not included within a financially feasible capital improvements program and/or there is not a reasonable expectation that the consumptive use permit will be issued.

# 3C.3.3. Policy:

As an alternative to new potable water facility construction, The Town shall cooperate with Palm Beach County to identify opportunities to increase the efficiency and optimize the use of existing facilities.

# 3C.3.4. Policy:

The Town shall support Palm Beach County's effort to encourage the use of coordinated regulatory and programmatic approaches and financial incentives to promote responsible growth patterns.

#### 3C.3.5 Policy:

The Town shall ensure adequate water supplies are available to serve the new development no later than the anticipated date of issuance of a certificate of occupancy or its functional equivalent.

# 3C.3.6 Policy:

The Town shall coordinate with the South Florida Water Management District to continue to protect ground and surface waters through its permitting of water withdrawals for irrigation and human consumption.

#### **SANITARY SEWER GOAL 3D**

PROVIDE RESIDENTS WITH A COST EFFECTIVE, EQUITABLE AND ADEQUATE SANITARY SEWER FACILITIES MEETING APPLICABLE FEDERAL, STATE, AND LOCAL DESIGN STANDARDS AND EFFLUENT WATER QUALITY STANDARDS.

#### 3D.1 Objective:

The Town shall cooperate with PBCWUD to identify and, where feasible, correct existing PBCWUD sanitary sewer facility deficiencies in the Town.

# 3D.1.1 Policy:

In the absence of legal constrains on the use of revenues, the Town shall cooperate with PBCWUD to maintain system improvements identified in the Capital Improvements Element to alleviate public sanitary sewer systems deficiencies within the Town.

# 3D.1.2 Policy:

The Town shall assist PBCWUD to develop and maintain an inventory of all its sanitary sewer facilities serving residents, customers, and large users in the Town.

#### 3D.2 Objective:

Sanitary Sewer facilities shall be provided to meet the short-term and long-term future needs.

# 3D.2.1 Policy:

The level of service (LOS) standard for sanitary sewer facilities shall be the Florida Department of Environmental Protection Permitted Capacity of the facility. The LOS standard for wastewater treatment plants shall be measured by average daily flow.

#### 3D.2.2 Policy:

The Town and PBCWUD shall use PBCWUD standards for sewage generation rates to assess the adequacy of service and concurrency for potential retail customers. The LOS for PBCWUD is 100 GPD per capita.

#### 3D.2.3 Policy:

The Town shall require in the land development regulations that applicants for development permits utilize existing sanitary sewer facilities if lines are available as defined by Chapter 10D-6, Standards for Onsite Sewage Treatment and Disposal Systems, Florida Administrative Code (FAC), pursuant to Section 381.0065, Onsite sewage disposal systems; installation; conditions, Florida Statutes.

#### 3D.2.4 Policy:

Local government entities shall require customers with private septic tanks to connect to public gravity sanitary sewer collection systems within 365 days of written notice that the service is available, as required by F.S. 381.00655.

# 3D.2.5 Policy:

The Town shall encourage maximizing the use of existing sanitary sewer facilities and reducing redundant facilities.

# 3D.2.6 Policy:

The Town of Loxahatchee Groves shall support the implementation of an integrated geographic information system in order to make available standardized land use and sanitary sewer facilities information for local and regional planning.

#### 3D.2.7 Policy:

The Town of Loxahatchee Groves shall support and provide information as necessary to Palm Beach County Water Utilities for the update of their required planning processes.

#### 3D.3 Objective:

Maximize the use of existing sanitary sewer facilities.

#### 3D.3.1 Policy:

The Town shall require in the land development regulations that applicants for development permits within the County's utility districts enter into an agreement to tie-in to existing facilities or construct improvements to the County's sanitary sewer system necessitated by the proposed development when adequate facilities, based on adopted level of service standard, are not available and no fiscally feasible plan to construct or expand said facilities is proposed.

# 3D.3.2 Policy:

The Town shall continue to investigate the provision of sanitary sewer services through agreements with a franchisee.

#### 3D.3.3 Policy:

The Town shall recommend the denial of future land use map amendments where densities or intensities are increased if:

- 1. Sanitary sewer and permitted effluent disposal facilities are not available; and
- 2. Where plans to extend such facilities so that they become available are not included within a financially feasible capital improvements program.

#### 3D.3.4 Policy:

As an alternative to new sanitary sewer facility construction, the Town shall identify opportunities to increase efficiency and optimize the use of existing sanitary sewer facilities.

# 3D.3.5 Policy

The Town shall encourage the use of coordinated regulatory and programmatic approaches and financial incentives to promote efficient growth patterns.

#### 3D.4 Objective:

Sanitary sewer facilities shall be designed, constructed, maintained, and operated in a manner that conserves and protects potable water resources by optimizing the use of reclaimed wastewater, where feasible, thus offsetting demands on the Surficial Aquifer.

#### 3D.4.1 Policy:

The Town shall encourage the use of reclaimed water as an integral part of its wastewater management program, where economically, environmentally, and technically feasible.

#### 3D.4.2 Policy:

The Town shall encourage increased wastewater reuse from the East Central Regional Water Reclamation Facility (ECRWRF), where feasible.

#### 3D.4.3 Policy:

The Town shall continue public education efforts on the reuse of reclaimed water, encouraging the reuse of water of an appropriate quality level for the purpose intended.

#### 3D.5 Objective:

Sanitary sewer facilities shall be designed, constructed, maintained and operated in a manner that protects the functions and quality of ground and surface waters, natural groundwater recharge areas and natural drainage features.

#### 3D.5.1 Policy:

The Town shall support the effort of the Palm Beach County Health Department, Florida Department of Health to reduce potential groundwater pollution sources..

#### 3D.5.2 Policy:

The Town shall support the effort of Palm Beach County to prohibit direct wastewater effluent discharges to surface and ground waters within Zone 1 and Zone 2 of wellfield zones of influence as designated on the Wellfield Protection Maps

#### 3D.5.3 Policy:

The Town shall coordinate with the Palm Beach County Health Department to continue to protect ground and surface waters from pollution through permitting of septic tanks, collection and transmission systems.

#### **SOLID WASTE GOAL 3E**

PROVIDE A COST EFFECTIVE AND EQUITABLE SOLID WASTE DISPOSAL SYSTEM WHICH EMPHASIZES RESOURCE RECOVERY AND MEETS ALL FEDERAL, STATE, AND LOCAL ENVIRONMENTAL QUALITY STANDARDS.

#### 3E.1. Objective:

Solid waste management facilities shall be provided to meet the Town's short-term and long-term future needs.

# 3E.1.1. Policy:

The Town of Loxahatchee Groves shall require in the land development regulations that applicants for development permits demonstrate adequacy of solid waste disposal sites or facilities prior to occupancy.

# 3E.1.2. Policy:

The Town shall support and provide information as necessary to SWA to design for additional capacity.

# 3E.1.3. Policy:

The Town shall provide data to SWA to determine the impact of solid waste management facilities and support services on adjacent natural resources.

# 3E.1.4. Policy:

Palm Beach County shall provide for the periodic update of the Integrated Solid Waste Management Plan in order to assure that solid waste management facilities are available to meet future needs.

# 3E.2. Objective:

The Town shall support Palm Beach County conserving its existing solid waste disposal facilities.

#### 3E.2.1. Policy:

Reduce the solid waste stream 30 percent as required by state law, so as to conserve existing solid waste facilities by encouraging recycling.

#### 3E.2.2. Policy:

The Town shall cooperate with Palm Beach County to further preserve landfill space, examine the need for a comprehensive countywide yard waste program and establish clear policies regarding the construction and debris waste stream.

# 3E.2.3. Policy:

The Town shall cooperate with Palm Beach County to strive toward a reduction in the amount of paper through greater reliance upon the electronic media.

# 3E.4. Objective:

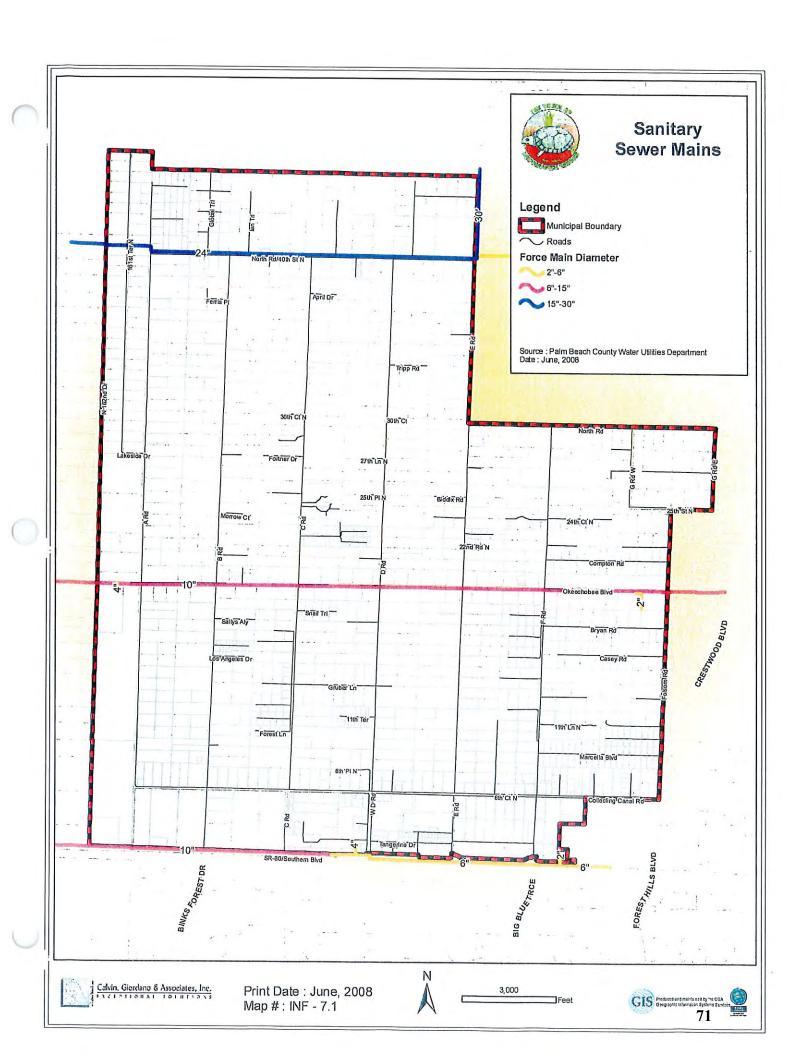
Protect the functions of the groundwater aquifer recharge areas and other natural resources from improper disposal of solid waste.

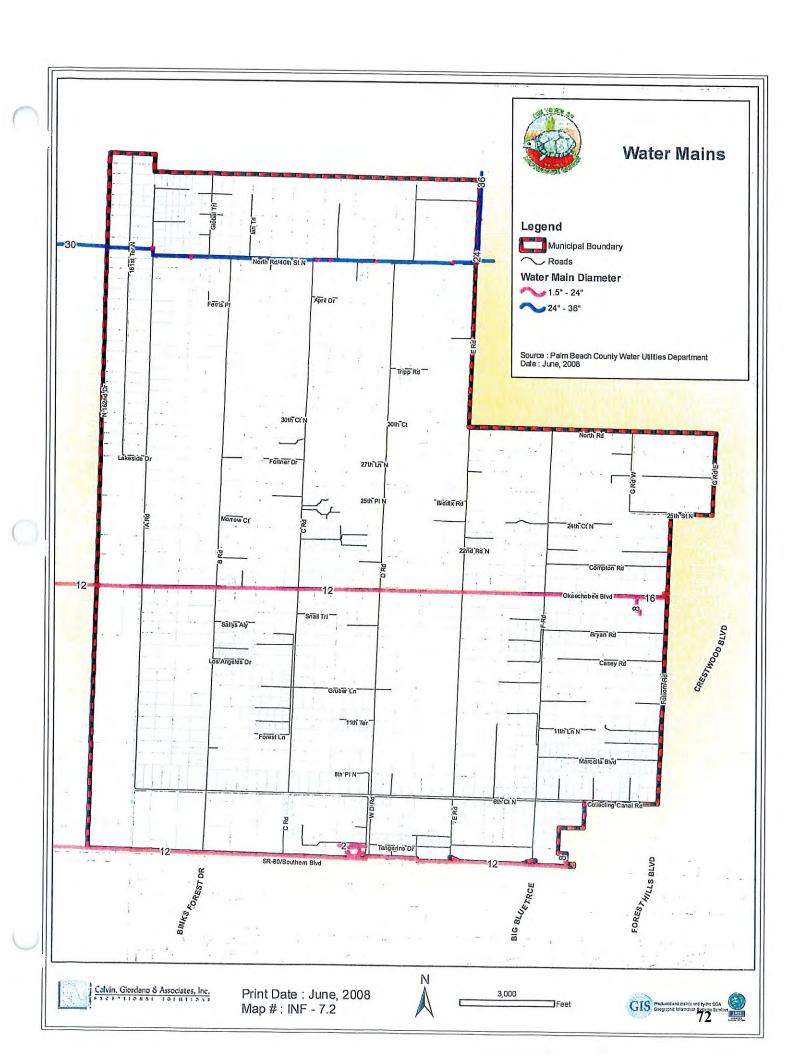
# 3E.4.1.Policy:

The Town shall cooperate with the SWA to monitor groundwater at SWA-managed landfills.

# 3E.4.2.Policy:

Solid waste management facilities shall be designed, constructed, operated and maintained so as not to exceed established water quality standards.





## CONSERVATION ELEMENT GOALS, OBJECTIVES, AND POLICIES

#### Goal 4

To conserve, manage, appropriately use and protect the natural resources of the Town ensuring continued resource availability and environmental quality.

4.1 Objective:

Maintain the best possible air quality, meeting or exceeding state and federal air quality standards.

4.1.1 Policy:

The Town shall support the enforcement of applicable standards for air quality to control significant emissions of air pollutants in order to maintain and improve the existing air quality.

4.1.2 Policy:

Through the site plan approval process, the Town shall ensure appropriate measures are taken to contain and stabilize exposed or destabilized soil surfaces at construction sites to prevent erosion and the degradation of ambient air quality through the generation of dust particles.

4.1.3 Policy:

The Town shall continue to coordinate, as appropriate, with Palm Beach County to maintain and improve air quality.

4.1.4 Policy:

The Town shall promote the development of multi-use trails and increasing the efficiency of the roadways through the Town to promote energy conservation and the reduction in greenhouse gas emissions.

4.1.5 Policy:

Educate the public through a public awareness campaign to limit idling of automobiles and trucks.

4.2 Objective:

Conserve, appropriately use and protect the quality and quantity of current and projected water sources and appropriately regulate the Town's stormwater run-off and other water sources and waters that flow into estuarine waters or oceanic waters.

4.2.1 Policy:

The Town shall cooperate with local, regional, state and federal agencies for the management of fresh water resources to maintain adequate fresh water supplies.

4.2.2 Policy:

The Town shall cooperate with Palm Beach County and the South Florida Water Management District for the implementation of water demand management policies and programs.

4.2.3 Policy:

The Town shall ensure that existing and new development shall be serviced with an adequate supply of potable water at the adopted levels of service, and that, at a minimum, meet the state water quality standards.

4.2.4 Policy:

The Town shall cooperate with the South Florida Water Management District and Palm Beach County to conserve water resources in emergencies and during declared water shortages.

4.2.5 Policy:

Activities and land uses known to adversely affect the quality and quantity of identified water sources and within natural groundwater recharge areas shall be regulated to protect the quality and quantity of this water source.

4.2.6 Policy:

The Town shall participate in the development of the Regional Water Supply Plan in conjunction with the South Florida Water Management District.

4.2.7 Policy:

For site plan approval, the Town shall require that surface water management systems be designed and operated consistent with the Town's adopted drainage level of service.

4.2.8 Policy:

The Town shall provide for open space as a part of the requirements for all development and redevelopment to promote shallow water aquifer recharge and stormwater filtration.

4.2.9 Policy:

The Town shall work towards the further education of the public regarding various methods of water conservation at the household and small business level.

4.2.10 Policy:

The Town shall encourage the utilization of the Best Management Practices developed by the Florida Department of Agriculture to promote the protection of water quality. The Town shall provide, as available, education material on the Best Management Practices.

4.2.11 Policy:

The Town shall coordinate and cooperate with the South Florida Water Management District and the U.S. Army corps of Engineers on the development and implementation of the Comprehensive Everglades

Restoration Program, and similar projects designed to protect the natural ecosystems of Palm Beach County and south Florida, including Lake Okeechobee.

## 4.2.12 Policy:

The Town shall coordinate with the Loxahatchee Groves Water Control District relating to the maintenance and water quality of the canals in the Town.

## 4.3 Objective:

Assure that generation, storage, transport and disposal of wastes in the Town is managed with the best existing available technology to protect environmental quality.

## 4.3.1 Policy:

The Town shall provide environmental pollution prevention and education materials and shall assist property owners in the identification of available clean-up programs and agencies.

#### 4.3.2 Policy:

New septic tank systems shall meet applicable state standards for permitting.

#### 4.3.3 Policy:

The Town shall cooperate with appropriate public agencies to assure that solid and hazardous wastes generated within the Town are properly managed to protect the environment. The Town shall report any solid or hazardous waste violation they may become aware of to the appropriate jurisdictional agency.

#### 4.3.4 Policy:

The Town shall coordinate with Palm Beach County and the state to encourage the development of effective strategies to improve the area-wide Solid Waste Management Program to include more innovative solid and hazardous waste management technologies to save energy, produce renewable energy and effectively manage solid and hazardous waste.

## 4.3.5 Policy:

The Town shall work closely with the Palm Beach County Solid Waste Authority to ensure small quantity hazardous waste generators dispose of wastes properly as required by the County Solid Waste Authority.

#### 4.3.6 Policy:

The Town shall assist the Palm Beach County Solid Waste Authority in implementing programs for the proper storage, collection, recycling and disposal of hazardous waste.

#### 4.3.7 Policy:

The Town shall adopt land development regulations to require producers of hazardous waste to coordinate with the Palm Beach County Public Health Unit and/or the Solid Waste Authority at the time of occupational license issuance and renewal.

4.3.8 Policy:

The Town shall encourage the diversion from landfills of all materials that are recyclable when issuing construction demolition permits.

4.4 Objective:

Conserve, appropriately use and protect natural resource systems, including floodplains, in recognition of their inherent values.

4.4.1 Policy:

The Town shall require approval from all applicable jurisdictional agencies regarding the protection of environmentally sensitive habitat, and shall require consistency with the policies in the Comprehensive Plan that govern:

- 1. Management of surface water;
- 2. Preservation of open space; and
- 3. Preservation of native vegetation.

4.4.2 Policy:

Compliance with approved permits from state, federal and other local governments, when applicable, for conservation of natural resources shall be incorporated into the Town planning process.

4.4.3 Policy:

New development encroaching into the 100 year floodplain shall incorporate elevation and flood protection measures sufficient to protect against the 100 year flood. The Town shall maintain consistency with program policies of the National Flood Insurance Program and shall monitor new cost effective programs for minimizing flood damage. Such programs may include modifications to construction setback requirements or other site design techniques, as well as upgraded building and construction techniques.

4.4.4 Policy:

The Town shall cooperate with adjacent local governments to conserve, or appropriately use, unique vegetative communities located within one or more local jurisdictions.

4.4.5 Policy:

The Town shall adopt standards to identify and designate local environmentally sensitive lands for protection. The Town shall adopt protection standards for these identified environmentally sensitive lands.

4.4.6 Policy:

The Town shall provide technical support to private sector efforts towards the creation of a conservation land trust that benefits the public.

4.4.7 Policy:

The Town shall adopt standards that will allow for protection and enhancement of the existing tree canopy.

4.5 Objective:

Conserve, appropriately use and protect natural functions of fisheries, wildlife, wildlife habitat and marine habitat.

4.5.1 Policy:

The Town shall protect and conserve the natural functions of existing soils, fisheries, lakes and floodplains through the support of local, state and federal regulations designed to protect and conserve these functions.

4.5.2 Policy:

The Town shall support the state and federal laws for the protection of endangered and threatened species and significant plant and animal habitat.

4.5.3 Policy:

Protective landscape buffering shall be required between designated conservation areas and between lands recognized by the county, state or federal government as environmentally sensitive and any land uses that may negatively impact these conservation and sensitive ecosystems.

4.5.4 Policy:

The Town shall adopt open space standards as a part of the requirements for all development and redevelopment. Open space areas shall be designated and treated in such a manner as to maintain the integrity, whether the primary purpose is to serve as natural vegetative or wildlife habitat, or as cultivated landscaped space. No land shall be developed, used or occupied such that the amount of open space on the parcel proposed for development is less than the open space established by Town ordinance.

4.6 Objective:

Assure the maintenance and conservation of trees within the Town, through the continued maintenance of trees within Town properties and through the site plan review process for new development.

4.6.1 Policy:

Within one year of adoption of the Comprehensive Plan, the Town shall adopt landscaping standards. These standards shall address the preservation of existing natural growth, the regulation of invasive and exotic plant species, the promotion of native plant materials usage and minimal landscape buffer criteria. These standards shall also contain restoration and mitigation measures to compensate for the loss of native vegetation and shall define stabilization measures for areas impacted by development.

4.6.2 Policy:

The Town shall provide native landscaping in public open spaces and facilities within the Town through grant applications or other funding sources as available.

4.6.3 Policy:

The Town shall encourage and educate the public in the planting and maintenance of trees and provide public education on the placement of canopy trees and other landscape materials to strategically provide shade and reduce energy consumption.

4.6.4 Policy:

The Town shall encourage buffering mechanisms to promote and enhance the rural, natural environment.

4.6.5 Policy:

The Town shall examine the feasibility of additional landscaping programs along canals in accordance with the Transportation Master Plan to be developed.

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4.6.6 Policy:

With all new development, the Town shall regulate Category I invasive exotic vegetation as defined on the most current list established by the Florida Exotic Pest Plant Council.

4.6.7 Policy:

The Town shall examine the feasibility of tree planting and restoration programs through grant applications or other funding sources as available.

4.7 Objective:

Wetlands and natural functions of wetlands shall be protected. Future land uses that are incompatible with the protection or conservation of wetlands and wetland functions shall be directed away from wetlands. Where incompatible land uses are allowed to occur, mitigation shall be considered as one means to compensate for loss of wetland functions.

4.7.1 Policy:

Buffering shall be required between wetlands and land uses that may negatively impact the wetland ecosystem.

4.7.2 Policy:

As a condition of development approval when applicable, the Town shall require approval from all applicable external agencies regarding the protection of wetland habitat.

4.7.3 Policy:

The Town shall coordinate and cooperate with the wetland jurisdictional agencies to encourage directing environmental mitigation to benefit the Town when the impacts occur within the Town.

## 4.8 Objective:

Conserve, appropriately use and protect the natural minerals and soils, in recognition of the inherent values of these areas.

## 4.8.1 Policy:

The Town shall adopt standards to prohibit commercial mineral extraction within the Town.

## 4.8.2 Policy:

The Town shall require all development projects to adhere to the erosion control requirements as specified in the development permit application.

## RECREATION AND OPEN SPACE ELEMENT GOAL, OBJECTIVES, AND POLICIES (Rev: Ord 2013-08)

## Goal 5A To provide safe and adequate open space and recreation facilities accessible to all Loxahatchee Groves residents.

## 5A.1. Objective:

Provide a sufficient supply of park, recreation, and open space facilities to satisfy established level of service (LOS) standards.

#### 5A.1.1. Policy:

The Town shall make available six (6) acres of park, recreation, and open space per one thousand (1,000) population.

## 5A.1.2. Policy:

The Town shall encourage development of a public equestrian facility at Loxahatchee Groves Park.

## 5A.1.3. Policy:

The Town shall continue to lobby the County to develop the Loxahatchee Groves County Park according to the intent of the original Master Plan and the Plan as amended in January 1991.

## 5A.1.4. Policy:

The Town shall explore the possibility of obtaining grants, gifts, contributions, funding assistance, and other financial resources for the purchase of land contiguous to the Park, so that the acreage of the park may be increased to its original size.

#### 5A.2. Objective:

Maximize the utility and function of recreation facilities and open space resources. Establish strategies to effectively coordinate the retention of recreation and open space opportunities, as well as the development of future opportunities to meet public demands.

#### 5A.2.1. Policy: Reserved.

#### 5A.2.2. Policy:

All existing and future parks and recreation facilities shall comply with provisions of the Americans with Disabilities Act.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev: Ord 2013-08 Element

Recreation and Open Space

## 5A.3. Objective:

Establish effective methods of coordinating public and private resources to meet public demands.

## 5A.3.1. Policy:

Maintain cooperative relationships with agencies, groups, individuals and organizations currently providing leisure programs to the residents.

## 5A.3.2. Policy:

Pursue appropriate joint public and private ventures to obtain lands and/or financing necessary to provide recreation areas, including equestrian trails and greenways, facilities and programs.

## 5A.4. Objective:

Require the provision of open space in redevelopment and new development.

## 5A.4.1. Policy:

The provision of open space such as natural areas, vistas, land buffers, or trails, shall be required in residential and non-residential development as per the Unified Land Development Code (ULDC).

## 5A.4.2. Policy:

The Town emphasizes that open space is needed in order to create vista, to provide shade, and to create and enhance the rural image and flavor of the Town.

# Goal 5B The Town of Loxahatchee Groves will strive to provide a town-wide greenway and equestrian trail system which preserves the town's rural lifestyle.

#### 5B.1. Objective:

The Town of Loxahatchee Groves shall develop a greenway and equestrian trail system to meet the needs and interests of the residents of Loxahatchee Groves.

#### 5B.1.1. Policy:

The Town shall create a map of existing greenway and equestrian riding trails.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev: Ord 2013-08 Element

Recreation and Open Space

## 5B.1.2. Policy:

The Town, in addition to recommendations of the Roadways, Equestrian Trails and Greenways (RETAG) Committee, shall identify new connections to existing trails, which if acquired would greatly enhance pedestrian, bicycle, and equestrian circulation throughout the Town.

## 5B.1.3. Policy:

The Roadways, Equestrian Trails and Greenways Plan shall be updated every five (5) years to insure consistency with current Town policy.

## 5B.1.4. Policy:

Annually, the RETAG shall assess and recommend to the Town Council whether the greenway and equestrian trail system is sufficient to meet the needs of the residents, and recommend needed improvements..

## 5B.1.5. Policy:

The greenway and equestrian trails system, wherever feasible, shall provide linkages between residential homes, parks, recreational facilities, open spaces, and commercial facilities throughout the Town.

## 5B.1.6. Policy:

All vehicular parking for land uses which are adjacent to the greenway and equestrian trail system should provide the parking on a side away from the trail.

#### 5B.1.7. Policy:

The greenway and equestrian trail system shall be consistent with design documents adopted by the Town and based upon RETAG recommendations in coordination with Loxahatchee Groves Water Control District..

## 5B.1.8. Policy:

The Town shall use landscaping and signs to visually identify street crossings and trail access points. Safe and controlled greenway and equestrian crossings shall be constructed.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev: Ord 2013-08 Element

Recreation and Open Space

## 5B.1.9. Policy:

The Town shall coordinate the construction of proposed trails with the LGWCD whenever they fall within the LGWCD rights-of-way. Doing so shall ensure that sufficient right-of-way is preserved to construct and maintain the Town's trails.

## 5B.1.10.Policy:

The Town shall coordinate the provision of greenway and equestrian trail connections among adjoining or abutting properties during the site plan review process.

## 5B.2. Objective:

The Town of Loxahatchee Groves' greenway and equestrian trail system shall be financially feasible.

#### 5B.2.1. Policy:

The Town shall determine which trails should be considered for public ownership.

## 5B.2.2. Policy:

The Town shall explore the possibility of obtaining grants, gifts, contributions, funding assistance, and other financial resources for the development of greenways and equestrian riding trails.

## 5B.2.3. Policy:

The Town should pursue joint efforts with all affected local jurisdictions, including local governments, special districts, and other public agencies in the acquisition, development and maintenance of greenways and equestrian trails as a means for reducing costs and pooling resources.

#### 5B.3. Objective:

The Town of Loxahatchee Groves' equestrian trail system shall provide access to abutting county parks, open space, and neighboring municipalities.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev: Ord. 2013-08

Recreation and Open Space Element

## 5B.3.1. Policy:

The Town shall pursue direct connections and access between the Town's equestrian trail(s) and the Loxahatchee Groves County Park and the Royal Palm Beach Pines Nature Area.

## 5B.3.2. Policy:

The Town shall pursue direct connections and access between the Town's equestrian trails and the Village of Wellington's equestrian preserves and public trails.

## 5B.3.3. Policy:

The Town shall coordinate with Loxahatchee Groves Water Control District for development of greenways and equestrian trials.

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## HOUSING ELEMENT GOAL, OBJECTIVES, AND POLICIES

#### Goal 6

To provide safe, decent and sanitary housing and living conditions in designated residential neighborhoods consistent with: (1) density levels indicated on the Future Land Use Map; and (2) the current rural residential character of the Town. Further, ensure that the character of new housing development is consistent with that currently in evidence while accommodating the needs of projected population growth.

## 6.1 Objective:

Conserve existing residential neighborhoods and housing stock by adopting minimum housing standards.

#### 6.1.1 Policy:

Within one year of the adoption of the Comprehensive Plan, adopt minimum housing regulations that shall contain the following minimum provisions:

- A requirement that all new development or redevelopment be served by an adequate individual or central water and wastewater systems and contain heating and cooking facilities.
- 2. Minimum requirements for light and ventilation, in accord with Florida building codes.
- 3. Minimum requirements for electrical and plumbing systems.
- 4. General requirements for the maintenance of the exterior and interior of residential structures.
- 5. Minimum dwelling space and sanitary requirements.
- 6. Procedures governing rehabilitation and demolition actions.

#### 6.1.2 Policy:

Within one year of the adoption of the Comprehensive Plan, adopt administrative and enforcement procedures necessary to implement minimum housing regulations and which, at a minimum:

- 1. -- Designate a Town housing official.
- 2 1. Establish administrative procedures to require rehabilitation and/or demolition of housing, if necessary, following a natural disaster or if a dwelling unit is damaged by fire beyond repair.

## 6.1.3 Policy:

During the initial preparation and adoption of land development regulations supporting this Comprehensive Plan, and at At the time of each successive required Evaluation and Appraisal Report, evaluate the need to designate any housing structures as locally historically significant and in need of special consideration under the provisions and criteria cited in the Standard Housing Code.

## 6.2 Objective:

Adequate and affordable housing, consistent with the <u>eurrent-rural</u> character of the Town, shall be provided for existing residents and anticipated population growth, including housing to accommodate any defined specialized needs of very-low, low and moderate income <u>households</u>, elderly <u>households</u>, <u>or</u>-handicapped or displaced residents, and farmworkers. Also, provisions shall be made for foster care housing and manufactured or mobile homes.

#### 6.2.1 Policy:

Require housing construction that is compatible with natural resource and service capabilities as defined in the Future Land Use, Transportation, Infrastructure and Conservation elements.

## 6.2.2 Policy:

Require developers to coordinate with the Town from initial design through completion of construction to assure that the Town's <u>rural</u> character is maintained.

## 6.2.3 Policy:

Provide for innovative housing alternatives (e.g. single-room occupancy, accessory residential structures, caretaker quarters, groom's quarters, manufactured and mobile homes and congregate living alternatives) oriented to facilitating reduced housing costs for very low, low and moderate income households and special needs populations.

#### 6.2.4 Policy:

Require that standard housing, at affordable cost, is available to persons displaced through any public action prior to their displacement by including such a requirement within the Town's land development regulations

#### 6.2.5 Policy:



Allow the placement of manufactured homes and individual mobile homes within single-family residential districts provided that: (1) such homes must comply with all Town building, construction, design and housing codes that apply to all housing types and U.S. Department of Housing and Urban Development manufactured home construction and safety standards; and (2) they shall be subject to any reviews as provided in the Town code of ordinances.

## 6.2.6 Policy:

Encourage development of affordable and workforce housing in residential developments south of Collecting Canal Road, in proximity to employment opportunities and major transportation facilities.

## 6.2.7 Policy:

Encourage congregate living facilities as a permitted use south of Collecting Canal Road in proximity to Palms West Hospital.

## 6.2.8 Policy:

Encourage job creation at locations identified on the Future Land Use Map and permitted by the Town's land development regulations as a means of assisting very-low, low and moderate income residents in finding employment proximate to their homes.

#### 6.2.9 Policy:

The Town shall support regional efforts to address low income and workforce housing by working with the Palm Beach Intergovernmental Plan Amendment Review Committee (IPARC) to develop an Interlocal Agreement whereby municipalities could jointly pursue a comprehensive approach and solution to this county-wide issue.

## 6.3 Objective:

Provision shall be made for the location of daycare, foster care and group home facilities licensed by the state of Florida in a manner consistent with state law and the character of existing residential neighborhoods

#### 6.3.1 Policy:

The Town shall permit different classes of group home facilities in appropriate residential neighborhoods that foster non-discrimination and encourage the development of community alternatives to institutionalization. Further, no appropriate residential neighborhoods shall be closed to such facilities.

## 6.3.2 Policy:

The Town shall monitor the development and distribution of daycare foster care and group homes to insure that adequate sites and infrastructures are provided, while over-concentration (i.e. to be defined by implementing Policy 6.3.1) in any residential area is avoided.

#### 6.3.3 Policy:

"Foster Care Facility" and "Group Home Facility" shall be defined as a residential unit, otherwise meeting the requirements of the Chapter 419, Florida Statutes and the Town Zoning Code, where a family living environment is provided for individuals not related by blood or legally to the householder.

## 6.3.4 Policy:

The total number of residents within a foster care or group home facility, including permanent residents and foster care or group home residents shall not exceed 1.01 persons per room, excluding bathrooms, kitchens utility rooms, and garages.

## 6.3.5 Policy:

The Town shall permit Daycare facilities, for up to five persons, within a single-family residence, as required by, Chapter 402, Florida Statutes.

#### 6.4 Objective:

The private sector delivery process shall continue to be relied upon as the means for providing 100% of the housing necessary to accommodate Town residents. The need to formulate alternative housing implementation programs shall be reassessed at the time of each required Evaluation and Appraisal Report (EAR).

#### 6.4.1 Policy:

Due to high land values and low permitted densities, very-low, low and moderate income housing efforts shall be oriented primarily toward: (1) maintaining the existing housing stock in standard condition; (2) continuing to permit individual manufactured housing and mobile homes, and (3) investigating innovative housing alternatives such as single-room occupancy, accessory dwelling units, and congregate living.

#### 6.4.2 Policy:

Provide information and technical assistance to the private sector to maintain a housing production capacity sufficient to meet projected needs. Further, expedite development reviews for those applications that include very-low, low or moderate income housing.

#### 6.4.3 Policy:

A determination shall be made by the Town at the time of each required EAR-based Comprehensive Plan update as to whether or not the private sector delivery process is adequately functioning, in terms of implementing Objective 6.4. If it is determined that the private sector is not properly functioning, in terms of this criterion, alternative mechanisms, including government and non-profit sector participation shall be considered, including the use of available Federal, State and local assistance programs.

#### 6.4.4 Policy:

Within 12 months of the availability of data from 2010 Census and the Florida Housing Data Clearinghouse, prepare an Affordable Housing Assessment to determine whether or not the Town needs to implement additional housing programs to meet projected housing needs.

At the time of the initial EAR, prepare an Affordable Housing Assessment using the most recent data provided by the Florida Housing Data Clearinghouse to determine whether or not the Town needs to implement additional housing programs to meet projected housing needs.

## 6.4.5 Policy:

Provide information and technical assistance to the private sector for the implementation of green building standards in new construction and home renovations.

## 6.5 Objective:

The Town shall support energy efficiency and the use of renewable energy resources in existing housing and in the design and construction of new housing.

#### 6.5.1 Policy:

The Town shall encourage support for residential construction that meets the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a other nationally recognized, high-performance green building rating system as recognized by the Florida Department of Management Services.

#### 6.5.2 Policy:

The Town shall educate residents on home energy reduction strategies.

#### 6.5 3 Policy:

The Town shall not prohibit the appropriate placement of photovoltaic panels.

## 6.5 4 Policy:

The Town shall provide educational materials on the strategic placement of landscape materials to reduce energy consumption.

## INTERGOVERNMENTAL COORDINATION ELEMENT GOALS, OBJECTIVES, AND POLICIES

#### Goal 1

To provide accessible, effective, and frequent intergovernmental coordination opportunities to achieve consistency among all government agencies that implement plans and programs which affect the Town of Loxahatchee Groves through development activities; preservation of the quality of life and efficient use of resources.

#### 7.1 Objective:

Continue and improve initiated semi-annual contact through formal and informal meetings with Palm Beach County officials, School Board of Palm Beach County, adjacent municipalities, and other regional and local agencies providing services or regulatory control over the use of land within Loxahatchee Groves.

#### 7.1.1. Policy:

Loxahatchee Groves shall maintain an active program of monitoring and communication with operating under the provisions of the Local Government Comprehensive Planning and Land Development Act, Chapter 163 F.S., and distribute amendments to its Comprehensive Plan adopted by the entities described in Objective 7.1.

#### 7.1.2. Policy:

The Town shall continue informal methods to increase the effectiveness of the existing coordination mechanisms of intergovernmental coordination which shall include but not be limited to the official identification of primary responsibility for coordination.

## 7.1.3. Policy:

The Town shall initiate periodic meetings between its Town Manager and Council and their counterparts in surrounding communities to discuss each municipality's plans for growth management and upcoming developments which could affect any of those municipalities.

#### 7.1.4 Policy:

The Town's Comprehensive Plan will be consistent, where feasible and practical, with the Treasure Coast Regional Policy Planning Council Regional Policy Plan, Palm Beach County Comprehensive Plan, the Comprehensive Plans of adjacent local governments, and applicable regional water supply plans.

#### 7.1.5 Policy:

The Town will consult with their water supplier prior to issuing building permits for new development and redevelopment to ensure adequate water supplies to serve new development is available by the date of issuance of a certificate of occupancy.

## 7.1.6 Policy:

The Town shall participate in the Treasure Coast Regional Planning Council's informal mediation process as mechanisms to provide an open forum for communication and coordination of programs involving the Comprehensive Plan, and to resolve conflicts with other local governments.

## 7.1.7 Policy:

Cooperatively pursue the resolution of development and growth management issues having impacts that transcend the Town's current political jurisdiction including issues of federal, regional, and state significance with the appropriate agencies. Issues to be addressed include, but are not limited to, the following:

- a) Accessibility to parks in neighboring municipalities
- b) Roadway improvements and formulation of master plan that would offer traffic control on Okeechobee Boulevard
- Stronger enforcement of speed limits and/or lowering speed limits on alphabet roads
- d) Stormwater runoff and water quality
- e) Alternate water supply plans
- f) Hazardous waste exposure
- Ag) Siting of facilities with County-wide significance

#### 7.1.8 Policy:

The Town shall, in conjunction with other affected parties, evaluate the Capital Improvements Element when it is undergoing annual review to determine if current funding is proportional to services rendered.

#### 7.2 Objective:

Ensure that the impacts of development proposed in the Town's Comprehensive Plan upon development in adjacent municipalities, the County, adjacent counties, the region and the State are addressed through coordination mechanisms.

#### 7.2.1 Policy:

The review of development proposals shall include findings that indicate relationships of such proposed developments to the comprehensive plans of adjacent local governments.

#### 7.2.2 Policy:

The Town shall utilize the following process when considering the location and extension of public facilities that are subject to concurrency and when siting facilities with countywide significance, including locally unwanted land uses that are established within a formal agreement between local, county and state governments and agencies:

- 1. The site plan procedure, which considers the future impact of a proposed site plan on the facilities and services provided by Loxahatchee Groves and those of adjacent local governments, if any;
- The goals, objectives and policies contained within the comprehensive plans of adjacent local governments, when reviewing proposed site-specific map amendments to the Future Land Use map.
- 2-3. Establishment of joint planning processes or joint planning areas with local governments, the School District of Palm Beach County, other governmental units providing services but not having regulatory authority over the use of land, the region, and the state;

## 7.2.3 Policy:

The Town shall utilize the following procedures to identify and implement joint planning areas (JPAs) for the purpose of addressing issues related to annexation and mutual infrastructure service areas:

- a) Coordinate planning activities mandated by the various elements of the Loxahatchee Groves Comprehensive Plan with local governments, the School District of Palm Beach County, other governmental units providing services but not having regulatory authority over the use of land, the region, and the state;
- b) Use of the Treasure Coast Regional Planning Council's informal mediation process to resolve conflicts with the other local governments, when agreed to by all affected parties;
- c) Work cooperatively with Palm Beach County to facilitate any annexation areas with consistent joint meetings or work groups, and other mechanisms; and
- d) Demographic and social-economic information and services shall be readily available for county, school board, and municipal planning activities.

#### 7.2.4 Policy:

The Town shall participate in the Intergovernmental Plan Amendment
Review Committee (IPARC) in order to ensure communication and
coordination with other municipalities on comprehensive planning issues.

#### 7.3 Objective:

Ensure coordination with the School Board of Palm Beach County to establish concurrency requirements for public school facilities.

#### 7.3.1 Policy:

The Town of Loxahatchee Groves, in cooperation with appropriate local, county, and state governments and agencies, shall continue to utilize the following collaborative planning process to reach decisions on population projections and public school siting:

- a) Employ compatibility and public school impact procedures, which consider land use compatibility and public school impacts through the use of flexibility provisions included in the Loxahatchee Groves Comprehensive Plan;
- Provide the School Board of Palm Beach County with population projections and other demographic and socio-economic data to assist the School Board with appropriate student generation rates and public school siting;
- c) If requested, provide professional support to the School Board Superintendent's site review committee;
- d) Involve the School Board of Palm Beach County during the review process for residential Land Use Plan Amendments, Plats, and Developments of Regional Impact;
- e) Procedures shall be coordinated in a manner that conforms to the interlocal agreement between the Town and the School Board.

#### 7.4 Objective:

Special emphasis shall be placed on maintaining effective lines of communication with county, regional, and state agencies when setting levels-of-service and/or permitting requirements, and initiating maintenance and capital improvement projects located within the Town of Loxahatchee Groves.

## 7.4.1 Policy:

The Town Manager or an appointed designee shall prepare and review the annual level-of-service monitoring report contained within the adopted concurrency management system. The purpose of this report is to provide affected entities with timely and accurate information in order to evaluation and coordinate levels-of-service.

#### 7.4.2 Policy:

In situations where other public or private entities are providing a public facility or service such as roads, sewer, drainage, parks, or solid waste within the Town, the Town shall coordinate its adopted level of service standard with the applicable entity and within the financial parameters allowed by the Capital Improvement Element of this Plan.

## 7.4.3 Policy:

Coordination with Federal, State, and County authorities shall continually be practiced and refined to ensure that the Town receives a proportionate share of revenue allocations, facilities and service improvements.

PUBLIC SCHOOLS

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## CAPITAL IMPROVEMENTS ELEMENT GOALS, OBJECTIVES, AND POLICIES (Rev: Ord. 2013-08)

Goal 9: The Town shall ensure adequate and timely public facilities and infrastructure capacity to accommodate existing and future residents and businesses maximizing the use and value of existing facilities, and effectively managing future growth consistent with the level-of-service standards established in the Comprehensive Plan.

## 9.1 Objective:

Maximize fiscal resources available to the Town for public facility improvements necessary to accommodate existing development, redevelopment, and planned future growth, and to replace obsolete or deteriorated facilities.

## 9.1.1 Policy:

Ensure capital revenues and/or secured developer commitments are in place to maintain all public facilities at acceptable level of service standards prior to the issuance of new development orders.

The Town shall follow the following timing requirements to ensure that adequate public facilities are available to meet level of service standards with the impact of development.

- (a) Sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the Town shall determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the Town of a certificate of occupancy or its functional equivalent.
- (b) Parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the Town prior to issuance of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev: Ord 2013-08.

Capital Improvement Element

(c) Transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the Town approves a building permit that results in traffic generation.

#### 9.1.2: Policy:

Utilize a variety of funding sources to implement capital improvements, within the limitation of existing law. These methods may include ad valorem taxes, general revenues, enterprise revenues, assessments, tax increment, grants, and private contributions, including dedications and/or funds.

## 9.1.3: Policy:

Ensure that new development bears a proportionate cost for public facility improvements by utilizing a variety of mechanisms to assess and collect impact fees, dedications and/or contributions from private development.

## 9.1.4: Policy:

Aggressively seek all realistic grant opportunities to fund projects in the Five-Year Schedule of Capital Improvements.

## 9.1.5 Policy:

Land development regulations established by the Town shall provide for the timely completion and maintenance of the capital improvements required by the Comprehensive Plan.

## 9.1.6 Policy:

Each review of the Capital Improvements Element shall include a review of the assumptions, projections, needs, and consideration for appropriate and timely renewal of existing facilities according to the following criteria:

- 1) Emergency and post-disaster mitigation.
- 2) Deficiency determination by a Concurrency Management System.
- 3) Public involvement in Capital Improvement Program and Budget.
- 4) Existing land development and Town master plans.
- 5) Plans of local, county, state agencies including the Loxahatchee Groves Water Control District.
- 6) Accommodation of new development and redevelopment.
- 7) Financial feasibility.

## 9.2 Objective:

Provide the necessary capital improvements to replace worn-out or obsolete public facilities, correct service deficiencies and accommodate planned future growth consistent with the adopted level-of-service standards.

#### 9.2.1 Policy:

Prepare and adopt a Five-Year Capital Improvement Program (CIP) as part of the Town's annual budgeting process. Amend the Five-Year Schedule of Capital Improvements annual CIP updates.

## 9.2.2 Policy:

The annual update of the Five-Year Schedule of Capital Improvements shall reflect proportionate fair-share and other developer contributions.

## 9.2.3 Policy:

The Five-Year Schedule of Capital Improvements shall be financially feasible.

## 9.2.4 Policy:

The Five-Year Schedule of Capital Improvements shall be consistent with objectives and policies of Comprehensive Plan elements.

## 9.2.5 Policy:

Coordinate proportionate fair share mitigation procedures and payments with Palm Beach County, the Florida Department of Transportation, and the Palm Beach County School District.

#### 9.2.6 Policy:

Coordinate planning for the Town improvements with the plans of state agencies, the South Florida Water Management District (SFWMD), Palm Beach County, the Loxahatchee Groves Water Control District and adjacent municipalities when applicable.

## 9.2.7 Policy:

All capital improvements in the Five-Year Schedule of Capital Improvements for which the Town is responsible will be included in the Town's Annual Budget and Capital Improvement Fund.

#### 9.2.8 Policy: Reserved

## 9.2.9 Policy:

Use the Town's Unified Land Development Code (ULDC) to ensure that all decisions regarding land use planning and the issuance of development orders and permits consider the availability of public facilities and services necessary to support such development at the adopted LOS standards concurrent with the associated impacts.

## 9.2.10 Policy:

Coordinate with road, utility and infrastructure service providers within the Town to ensure that necessary capital improvements are implemented to support new construction and redevelopment.

## 9.2.11 Policy:

Repair, rehabilitate, and replace the Town's capital facilities according to generally accepted engineering principles and guidelines and ensure that facilities and services provided by other agencies are held to the same standard.

#### 9.2.12 Policy:

Assess new development a proportionate fair-share of the public facility costs necessary to accommodate the impacts of new development at the adopted levels-of-service through the enforcement of existing public facility funding mechanisms, conditions of development approval, and impact fees. Public facilities include potable water, sanitary sewer, solid waste, drainage, parks, including equestrian trails and greenways, schools and roadways.

## 9.2.13 Policy:

Capital improvements associated with the construction of educational facilities are not addressed in the Town's CIP or Five-Year Schedule of Capital Improvements, but rather are the responsibility of the Palm Beach County School District.

#### 9.2.14 Policy:

The Town, in conjunction with the Palm Beach County School District, has the responsibility for implementing the public school concurrency program within Loxahatchee Groves.

#### 9.2.15 Policy:

For public school facilities, a proportionate share mitigation agreement is subject to approval by Palm Beach County School District and the Town.

#### 9.2.16 Policy: Reserved

#### 9.2.17 Policy: Reserved

## 9.2.18 Policy:

The public school LOS standard is the school's utilization, expressed as a percentage, which is the result of comparing the number of students with the satisfactory Florida Inventory of School Houses (FISH) capacity at a given location, e.g. an elementary facility with 1,000 students and a FISH capacity of 970, has an LOS of 103%. Also referred to as the utilization of a facility

## 9.3 Objective

Develop and implement a debt management program to assist the Town in providing adequate and timely revenues for scheduled capital improvements.

## 9.3.1 Policy:

Provided the Town Charter allows such an activity, Loxahatchee Groves may incur debt within generally accepted municipal finance principles and guidelines, and only in relation to the Town's ability to pay for a new capital asset or to significantly extend the life expectancy of a capital asset.

## 9.3.2 Policy:

Ensure that any increase in operating costs for a new or additional facility is also considered when evaluating the debt to be incurred for a facility.

### 9.3.3 Policy:

The Town will not provide a public facility, nor accept the provision of a public facility by others, if it is unable to pay for the subsequent annual operation and maintenance costs of the facility.

## 9.3.4 Policy:

The Town shall adopt standards for debt management prior to incurring any public debt.

#### 9.3.5 Policy:

Debt payment shall not exceed the anticipated useful life of a capital improvement and, in no case, shall exceed thirty years.

## 9.4 Objective:

Land use decisions shall be made based upon available or projected fiscal resources in coordination with the Five-Year Schedule of Capital Improvements which maintains adopted level of service standards and meets existing and future facility needs.

#### 9.4.1 Policy:

The Town shall determine whether projects in the Five-Year Schedule of Capital Improvements will allow level of service standard to be maintained with a proposed land use change.

#### 9.4.2 Policy:

The Town shall provide for the availability of public facilities and services needed to support development concurrent with the impacts of such development.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev: Ord 2013-08

Capital Improvement Element

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## 9.4.3 Policy:

In order to coordinate land uses with available and projected fiscal resources, the Town shall include in its annual update of the Five-Year Schedule of Capital Improvements, any appropriate projects listed in the first five (5) years of the (10) year Water Supply Facility Work Plan (WSFWP).

## 9.5 Objective:

The Town shall include all projects identified in the policies of the various elements of this Comprehensive Plan that are the responsibility of Loxahatchee Groves and determined to be of relatively large scale and high cost as capital improvements projects for inclusion within the Five-Year Schedule of Capital Improvements.

## 9.5.1 Policy:

Capital improvements shall be provided to: (1) correct existing deficiencies and extend the life expectancy; (2) manage growth, as defined in the Future Land Use Element and the Town's Charter; and/or (3) replace worn-out or obsolete facilities, as indicated in the Five-Year Schedule of Capital Improvements of this element.

### 9.5.2 Policy:

The Town defines a capital improvements project or program as a major, not often-recurring, expenditure that costs or commits at least \$25,000, which has an expected life of at least five (5) years, and which falls into one of the following categories:

- a. Acquisition or lease of land or interests in land for public purposes.
- b. Accommodation of Town growth and improvement of infrastructure services delivery by means of the purchase, lease, construction, rehabilitation, or replacement of:
  - A public building or physical facility;
  - 2. Public infrastructure such as roads, drainage canals, parks, trails, or similar projects;
  - 3. Equipment supporting the maintenance of infrastructure.
- c. Projects designed to bring the community into immediate compliance with state or federal law or court order. Such projects are not subject to the above cost or life expectancy limits.

A capital improvements project or program is further defined to include any planning, engineering, feasibility or appraisal studies related thereto if the total cost is at least \$10,000. This shall include any studies oriented to defining the initial need for land and/or facilities.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev: Ord. 2013-08

Capital Improvement Element 9 -13

## 9.5.3 Policy:

Normal maintenance activities are not included in the Five-Year Schedule of Capital Improvements.

#### 9.5.4 Policy:

The Town shall, as a matter of priority, schedule for funding any capital improvement projects in the Five-Year Schedule of Capital Improvements which are designed to correct existing public facility deficiencies.

#### 9.5.5 Policy:

Proposed capital improvements projects shall be evaluated and ranked in order of priority according to the following guidelines:

- a. Whether the proposed project is financially feasible, in terms of its impact upon Town budget potential;
- b. Whether the project is needed to protect public health and safety, to fulfill the Town's legal commitment to provide facilities and services, or to preserve, achieve full use of, or increase the efficiency of existing facilities;
- c. Whether the project prevents or reduces future improvement costs or provides service to areas currently lacking such service:
- d. Whether the project represents a logical extension of facilities and services within the Town; and
  - e. Whether or not the proposed project is consistent with plans of State agencies, Palm Beach County agencies and the Loxahatchee Groves Water Control District.

#### 9.6 Objective:

The Five-Year Schedule of Capital Improvements shall be reviewed by the FAAC on an annual basis as part of the Town budget process. Any revisions and/or amendments to the Five-Year Schedule of Capital Improvements shall be made by the Town Council at that time. Annual updates to Tables 9-1 to 9-3 shall be made by Town Council Ordinance and not subject to the comprehensive plan amendment process.

#### 9.6.1 Policy:

The annual update process shall include a review to determine that proposed Five-Year Schedule of Capital Improvements revisions are internally consistent with the Goals, Objectives and Policies of the Comprehensive Plan.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev: Ord 2013-08

Capital Improvement Element 9 -14

## 9.6.2 Policy:

All items to address an imminent danger or threat to the public health or safety shall be submitted to the Town Council for decision and appropriate action through the Town Manager. If the obligation duration exceeds one budget year, the item shall be included in the Five-Year Schedule of Capital Improvements.

## 9.7 Objective:

The Five-Year Schedule of Capital Improvements consists of Tables 9-1 to 9-3.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009 Capital Improvement Element 9 - 15

Table 9-1 - Summary of FY 2014 - 2018 Capital Improvements Projects

## A. Necessary to Maintain LOS Standards: Loxahatchee Groves

Comprehensive Plan Element	Project No. and Description	Comprehensive Plan Consistency (Objective/Policy Citation)		
Transportation	TRAN-1: Non-District Town Road Survey (1)	Objective 2.6 and Policies 2.2.4, 2.7.1 and 2.7.9 Transportation Element		
Transportation	TRAN-2: Collecting Canal Road OGEM surface Improvements (1,2)	Policy 2.1.3 Transportation Element		
Transportation	TRAN-3: Okeechobee Traffic Signal @ "D" Rd. (1)	Policies 2.1.4 and 2.2.2, Transportation Element		
Transportation	TRAN-4: Town Road OGEM Projects –Specific Future Projects To Be Identified (1,2)	Policy 2.1.3 Transportation Element		
Transportation	TRAN-5: Pave/OGEM Surface "D" Road from Southern Blvd. to Collecting Canal	Policy 2.1.3 Transportation Element		
Transportation	TRAN-6: LGWCD to Town road transfer costs - Specific Future Projects To Be Identified	Policy 2.1.3 Transportation Element		
Drainage Sub- Element	DR-1: Drainage Canal Refurbishment Program (sub to LGWCD)	Policies 3A.1.5 and 3A.1.6 Drainage Sub-Element		

Key: TRAN - Transportation; DR - Drainage; LGWCD - Loxahatchee Groves Water Control District.

(1) - Existing Deficiency; (2) - Replacement Project; 3) - To Meet Future Need

## B. FY 2014 to 2018 Improvements Necessary to Maintain LOS Standards: Outside Agencies

Agency	Project No. and Description	Comprehensive Plan Consistency (Objective/Policy Citation)			
Lox Groves Water Control Dist	DR-2: 40-foot Long Front Backhoe lease purchase (1,3)	Objective 3.A.1 Drainage Sub- Element			
Lox Groves Water Control Dist	DR-3: Long-Reach Mower lease purchase (1,3)	Objective 3.A.1 Drainage Sub- Element			
Palm Beach County School District	PSF-1 Palm Beach County School District 5-Year Capital Budget (FY 2013 – 2017) By Reference (3)	Policy 8A.3-A Public School Facilities Element			
Florida Department of Transportation	FDOT-1: #4282391 Bridge #930402 repair and rehab. West of "D" Road (1)*	Policy 2.2.4 Transportation Element; Policy 9.2.10 Capital Improvements Element			
Florida Department of Transportation	FDOT-2: #4193452 Add lanes and reconstruct Southern Boulevard (3)*	Policies 2.2.4 and 2.6.2 Transportation Element; Policy 9.2.10 Capital Improvements Element			

<sup>\* -</sup> Project included in the FY 2011 ~ 2015 Transportation Improvement Program (TIP) of the MPO.

Key: DR - Drainage; PSF - Public School Facility; FDOT - Florida Department of Transportation

## C. FY 2014 to 2018 Non-LOS Comprehensive Plan-Directed Improvements: Loxahatchee Groves

Comprehensive Plan Element	Project No. and Description	Comprehensive Plan Consistency (Objective/Policy Citation)		
Recreation and Open Space	ROS-1: Equestrian Trails Linear Park from "A" Road to Folsom Road (1,3)	Objective 2.3 Transportation Element		
Recreation and Open Space	ROS-2: Equestrian Trails – Future Projects To Be Identified (1,3)	Objective 2.3 Transportation Element		

Key: ROS - Recreation and Open Space

## D. FY 2014 to 2018 Other Infrastructure Improvements: Outside Agencies/Private Parties

Project No. and Description	Public Agency/Private Party	Comprehensive Plan Consistency (Objective/Policy Citation)		
TRAN-7 "F" Road Pavement and OGEM Improvements: Southern Blvd. to Collecting Canal(1,3)	Grove Medical Plaza Site Plan Approval Condition	Policy 2.1.4 Transportation Element		

Key: TRAN - Transportation.

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev.: Ord. 2013-08 Capital Improvement Element 9 -17

<sup>(1) -</sup> Existing Deficiency; (2) - Replacement Project; (3) - To Meet Future Need

<sup>(1) -</sup> Existing Deficiency; (2) - Replacement Project; (3) - To Meet Future Need

<sup>(1) -</sup> Existing Deficiency ;(2) - Replacement Project; (3) - To Meet Future Need

Table 9-2 – FY 2014 – 2018

Schedule and Cost of Capital Improvements Projects

A. Necessary to Maintain LOS Standards

		Total Cost				
Project Number*	2013/14	2014/15	2015/16	2016/17	2017/18	(Dollars)
TRAN-1	100	100	0	. 0	0	200,000
TRAN-2	944	0	0	0	0	944,000
TRAN-3	250	0	0	0	0	250,000
TRAN-4	100	0	. 0	0	0 ·	100,000
TRAN 5	300	0	. 0	0	0	300,000
TRAN-6	29	29	29	29	29	145,000
TRAN-7	106	0	0	0	0	106,000
DR-1	150	150	150	150	150	750,000
DR-2	62	62	62	62	62	310,000
DR-3	34	34	34	34	34	170,000
FDOT #4282391	119	0	0	0	0	119,000
FDOT##4193452**	5,200	0	0	0	34,500	39,700,000
Totals	7,394	375	275	275	34,775	43,094,000

<sup>\*\*</sup>Cost includes entire project length (Lion Country Safari to west of Crestwood Blvd).

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev.: Ord. 2013-08

Capital Improvement Element 9 -17

<sup>\* -</sup> Refer to Table 9-1A , 9-1B and 9-1D.

## B. Non-LOS Comprehensive Plan-Directed Improvements

Project Number*		Total Cost					
	2013/14	2014/15	2015/16	2016/17	2017/18	(Dollars)	
ROS-1	80	0	0	0	0	80,000	
ROS-2	0	100	100	0	0	200,000	
Totals	80	100	100	0	0	280,000	
PBC School Dist.	5-Year Capital Budget (FY 2013 – 2017)Incorporated By Reference						

<sup>\* -</sup> Refer to Table 9-1C.

Table 9-3 - Revenue Sources for Town Directed Capital Improvements Projects

Project	Revenue	Fiscal Year Budget (\$000)					Total Cost
Number*	Source	2013/14	2014/15	2015/16	2016/17	2017/18	(Dollars)
TRAN-1	GF/GT	100,000	100,000	0	0	0	200,000
TRAN-2	GF/GT	944,000	0	0	0	0	944,000
TRAN-3	GF/GT	250,000	0	0	0	0	250,000
TRAN-4	GF	100,000	0	0	0 .	0	100,000
TRAN-5	GF	300,000	0	0	0	0	300,000
TRAN-6	GT	29,000	29,000	29,000	29,000	29,000	145,000
TRAN-7	Р	106,000	0	0	0	0	106,000
DR-1	GT	150,000	150,000	150,000	150,000	150,000	750,000
ROS-1	GF	80,000	0	0	0	0	80,000
ROS-2	GF	0	100,000	100,000	0	0	200,000
Town Totals	GF/GT/P	2,059,000	379,000	279,000	179,000	179,000	3,075,000

<sup>\* -</sup> Refer to Tables9-1A, 9-1C and 9-1D.

Revenue Sources: GF-General Fund; GT-Gas Tax; G-Grant; P -- Private Source

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009; Rev.: Ord. 2013-08

Capital Improvement Element 9-18

## 13 - PROPERTY RIGHTS

Added Ordinance 2021 0

EXAMPLE PREPARED FOR LAKE CLARKE SHORES

## 13.0 PROPERTY RIGHTS

The PROPERTY RIGHTS element is required to be included in the comprehensive plan per requirements of state planning law and rule criteria. Specifically, Chapter 163.3177(6) (i) 1, Florida Statutes, establishes the PROPERTY RIGHTS element requirement.

Chapter 163.3177(6)2, Florida Statutes establishes that each local government must adopt a property rights element in its Comprehensive Plan by the earlier of the date of its adoption of its next proposed plan amendment that is submitted after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan.

Goal: 13.0 The Town of Lake Clarke Shores shall respect judicially acknowledged and constitutionally protected private property rights.

**Objective: 13.1** The Town shall ensure that private property rights are considered in local decision making.

Policy: 13.1.1 The following rights shall be considered in local decision making.

- (a) The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- (b) The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any of any other person, subject to state law and local ordinances.
- (c) The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- (d) The right of a property owner to dispose of his or her property through sale or gift.



# 155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 6

**TO:** Mayor and Councilmembers

FROM: Francine Ramaglia, Town Manager

**DATE:** November 15, 2022

SUBJECT: Discussion of Lobbying & Government Affairs Consulting Services

# **Background:**

Council originally approved Geoffrey B. Sluggett & Associates, Inc as the Town's lobbyist on November 7, 2018, renewing/extending the agreement until its completion on April 7, 2022. We have been quite successful during that period in getting significant appropriations to the Governor's Office and grants in place; however, circumstances each year have prevented the Town from receiving the funds.

As we approach the upcoming legislative session, and because we have had success in the past, time is of the essence should the Town wish to consider Lobbying & Government Affairs Consulting Services. Pursuant to our Purchasing Manual, these services involve special skill, ability, training or expertise that are in their nature unique, original or creative and are therefore exempt from competitive selection requirements; however, since likely expenditures will exceed \$25,000, Council approval is required.

We have collected a sampling of information, including annual contract amounts, on local firms & individuals. We have also initiated discussions and have begun to request additional information and/or proposals. Staff did not wish to proceed any further without direction and input from the Council

Attached is the following information:

- Sampling of Consultants/Lobbyists used locally
- Potential Scope of Services and Basic Reporting
- Potential Legislative Priorities/Appropriation Requests Town of Loxahatchee Groves FY 2023

All of the above are provided for discussion purposes. Based on Council direction, staff will modify to use as basis (along with existing capital plan) for collecting proposals.

**Recommendations**: Staff seeks Council direction with respect to obtaining proposals and scheduling presentations and selection at the December meeting.

# Sampling of Consultants/Lobbyists used locally:

ITID	Ramba Consulting	\$48,000 + actual	David	
	Group/	expenses	Ramba/Mary	
	Sluggett & Associates		McNicholas	
Wellington	Coker	\$50,000 to	Chris	
	Consulting/Screven	\$75,000 + actual	Coker/David	
	Watson & Associates	expenses	Ramba	
	Ramba Consulting			
	Group			
Royal Palm	Ronald L. Book,	\$50,000 +	Ron Book/Sean	400+ local govt
	P.A./Pittman Law	expenses	Pittman	clients incl.
	Group			Palm Beach
				County
Greenacres	Gray Robinson	\$65,000 all	Joseph Salzverg/	
		inclusive	Roy Dean	
			Cannon Jr.	
Lake Clarke Shores	Akerman LLP	\$36,000 + actual	Richard Pinsky	
		expenses		
Highland Beach	Rubin, Turnbull &	\$48,000 + actual	William Rubin	
	Associates	expenses		
Lake Park	Becker Polliakoff P.A.			

(Please note that costs above are incomplete & only include contracts received at the time of agenda production)

Other Firms/Consultants:

Alison Dudley & Associates

Ballard & Associates—Matt Forest (Boynton, Delray, Lantana, North Palm, Palm Beach, Palm Beach Gardens, Florida Rural Water Assoc, Solar Sports)

Tripp Scott Inc./Candace Ericks Consulting

Chandler Williamson

Of note, the Town used Sluggett & Associates from 2018 through 2022 at an annual retainer of \$60,000 + expenses which included local representation as well as grant writing and other outreach.

Staff has met with Dudley & Associates (strong in Tallahassee and well versed in local government) as well as Chandler Williamson (proposes to use experience and connections to have the Town be included in SCOP funding for rural communities).

This is not an all-inclusive listing and is provided for discussion purposes only. Based on Council direction, staff will collect proposals and bring forward to the December meeting for Council action.

### **Potential Scope of Services:**

- Development and implementation of the Town's Legislative Priority Package for each Legislative Session (inclusive of Fall and Winter Committee meetings)
- Direct and active interaction with members of the Florida Legislature necessary as it pertains to the Town's Legislative Priority Package developed for the Legislative Session.
- Active Monitoring and Participation in the Appropriations and Budgetary Process for Town Priorities during development of the State of Florida Budget.
- Legislative Committee and Session monitoring and reporting of any legislation of interest and importance to the Town that might not be a direct legislative priority but nevertheless of importance to the Town Mayor and Council.
- Logistical preparation and implementation of Legislative Visits for the Mayor and Members of the Council during trips to Tallahassee during Committee Meetings and the Legislative Session.
- Monitor and represent the Town's Legislative or Program Priorities with the Governor's Office during the development of Governor's Legislative Priorities and Budgetary Recommendations.
- Monitor and Participate in Program Development, Legislative Priorities and Budgetary Recommendations from other Executive Branch Departments.
- Work with the Governor's office and staff during the post session bill signing or bill veto period as it pertains to Town Legislative Priorities.
- Represent the Town Legislative Priorities during the Legislative Committee Meeting Process in the Fall and Winter of each year.
- Offer advice, counsel, and active participation through consulting services regarding potential State
  and Federal financial grants awards that the Town might qualify and be awarded. These services will
  be on as needed basis and prior approval is necessary from the Town Manager and Town Council. If
  necessary and approved; a separate fee would be negotiated for these services.
- Development, implementation active lobbying of any Federal Legislative or Executive issues impacting
  the Town for the duration of this contract. These services will be on as needed basis and prior approval
  is necessary from the Town Manager and Town Council. If necessary and approved; a separate fee
  would be negotiated for these services.

# **Basic Reporting:**

- Meet with Town Manager & Council, as necessary, to develop legislative direction and policy
- Written Reports & Phone Updates, during session, that will serve as both a review and look ahead to issues to come
- Report on any new legislation filed that might be of interest to the Town before, during and after the Legislation Sessions
- Session Conclusion Report of what Legislation Passed and What Failed

This scope is not an all-inclusive listing and is provided for discussion purposes only. Based on Council direction, staff will modify above and use as basis for collecting proposals for Council consideration.

### Potential Legislative Priorities/Appropriation Requests Town of Loxahatchee Groves FY 2023

1. Canal System Rehabilitation Project (Canal dredging, muck disposal, restoration & re-sloping, surveying, testing services, etc.)

Flood Protection – Resiliency – Refurbishment – Project would be an annual program encompassing dredging, disposal of collected material, restoration and resloping of banks improving function/aesthetics & re-establishing design cross sections, promoting native aquatic vegetation, reducing probability of storm debris blocking waterways, providing increased storage, preventing flooding, and providing public safety and preventing road washouts that are often experienced throughout the Town. This project could include "seawalls" to allow reclamation of roadway and creation of safety zones on the eastern portion of canals directly to the west of certain major roads. The requested funding is to establish a first-year pilot project to serve as the basis for a likely 20-year program.

Total anticipated costs ...... \$ 1,100,000.00

# 2. Stormwater System Repair Program

Project would provide systematic stormwater management improvements at major canal junctions as well as for Town owned culvert crossings. The Town is systemically reviewing and evaluating public culverts inventory (the 3 most critical replacements completed/approved by the Town have been approximately \$125,000 per location). Additionally, the Town has also identified culverts, swales and catch basins necessary on its major local roads as well as in over 200 other locations throughout (the average cost of a catch basin installation is \$25,000—there are 25 to 30 areas for which the Town has easements). Finally, the Town has identified culverts and swales needed on its primary north-south local connector roads (to date, there are \$600,000 in drainage improvements identified for these roads).

3. Water Resiliency/Storm Water Retention/Aquifer Recharge Area

Flood Protection – Resiliency – Refurbishment – Septic Tanks & Systems – Multi-use approach for lands adjacent to the collecting canal and other canals throughout Town to create vegetative wetlands, hydraulically connecting to the canal system that will ultimately provide much needed water quality treatment, create additional surface water capacity and improve ground water recharge and filtration.

### **4.** North Road Multi-Use Trail Improvements

Multi-use project provides connectivity and safety crossings between Town's Public Greenways and trails to existing Palm Beach Pines Natural Area; provides safe passage to the Town's North side population where no access to pathways exists. This shovel ready project will help preserve and enhance the rural quality of life that is an integral part of the Town's Comprehensive Plan. Additional connectivity improvements and trail maintenance and upgrades to ensure safety and usefulness of the Town trails system. Examples: Horse crossings at B and F Roads. Development of a Linear Park from A Road to Folsom Road South of Collecting Canal Road Other Trails Improvements.

	Total anticipated costs	00.00
5.	Rehabilitation of Maintenance Equipment Facilities Building at Public Works	
	Replacement of PW equipment garage/storm hardening	

Total anticipated costs ...... \$ 700,000

This proposed listing of potential legislative priorities is not an all-inclusive listing and is provided for discussion purposes only. Based on Council direction, staff will modify above and use as basis (along with existing capital plan) for collecting proposals for Council consideration.



# 2023 STATE LEGISLATIVE PRIORITIES

# **GENERAL GOVERNMENT AFFAIRS**



Town of Loxahatchee Groves

155 F Road

Loxahatchee Groves, FL 33470

561-793-2419

www.loxahatcheegrovesfl.gov



# Town of Loxahatchee Groves OFFICIALS

Mayor Robert Shoor, Mayor

Laura Danowski, Vice Mayor

Phillis Maniglia, Commissioner

Marriane Miles, Commissioner

Margaret Herzog, Commissioner

Francine Ramaglia, Town Manager

Lakisha Q. Burch Town Clerk

Elizabeth Lenihan, Esq City Attorney



# **Summary**

To build on the successes the State of Florida initiated in prior Legislative Sessions, Loxahatchee Groves continues to partner with Palm Beach County, State of Florida, and federal stakeholders to make progress on three of the most important platforms in the Western region of Palm Beach County; protecting our simple way of life, addressing infrastructure and waterways, exploring and sustaining economic investment, and creating a quality of living for residents and visitors.

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# **Request:** Amendment to the SCOP Identification Category of Rural Cities/Towns

Issue: Support the revisions of the SCOP's Florida Laws that will include categories for rural cities and towns with economic challenges to infrastructure improvements and fiscal inability to maintenance critical waterways and drainage.

# Background:

During the hurricanes of the early 2000's, legislatures recognized the needs of rural cities, towns and county's that were either categorized as rural and economically challenged or presented factual data of the inabilities to provide the local taxing collections to address critical infrastructure improvements such as roads, sideways, local streets, drainage, and stormwater hazards.

REMAINING SECTIONS LEFT BLANK INTENTIONALLY

# Alison B. Dudley

Alison B. Dudley is a native Floridian born in West Palm Beach, Florida. She attended Stetson University and received her B.S. in Political Science from the University of South Florida in Tampa. Alison has been involved in the political process for over 30 years. She currently is President of A. B. Dudley & Associates, a political consulting firm specializing primarily in health care, appropriations, and energy issues.

Alison is a former aide to a House Member from Pinellas County, after which she worked in the Governor's Legislative Affairs department. Alison later became the Legislative Liaison at the Florida Lottery under then Lottery Secretary Rebecca Paul. Following the Lottery, Alison moved to the private sector and worked for Texaco in Atlanta, Georgia, where she did government relations, media relations and community relations in Florida, South Carolina, Kentucky, and Tennessee. In 1994 Alison was recruited to open a Tallahassee lobbying office for a statewide lobbying firm and managed over 38 clients.

Alison formed her own company in 2002 and currently represents the Florida Radiological Society, Community Bridges, Inc., Place of Hope and the Judicial Assistants Association of Florida. She has successfully achieved budget increases and passed significant legislation on behalf of her clients.

Alison lives in Tallahassee with her husband, Charlie, and they have two children Chas, who lives and works in New York City, and Emily, a student at SMU in Dallas, Texas.



# 155 F Road Loxahatchee Groves, FL 33470

Agenda Item #7

**TO:** Mayor and Councilmembers

FROM: Francine Ramaglia, Town Manager

**DATE:** November 15, 2022

**SUBJECT:** Discussion of Land Clearing

# **Background:**

The Town is committed to maintaining its wonderful tree canopy and rural character and accordingly has addressed its desire to do so in both the Comprehensive Plan conservation element and future land use element as well as in Article 87 of the Unified Land Development Code (ULDC). The Town's regulations and enforcement are subject to State laws with respect to agricultural uses, wildlife protection and pre-emptions of home rule.

# Attached is the following information:

- Summary of the Town's current process for notice, waiver and permitting
- Excerpts and overview of Town's comp plan, ULDC, state laws and enforcement rules
- ULDC Article 87; Sec 163.045 F.S.; Specimen Tree Species; LG Preferred Plant List; Invasive Plant Species; Future Land Use Goals, Objectives & Policies

All of the above are provided for discussion purposes. Staff is working with our attorneys and outside contractors on enhanced enforcement procedures and also on possible changes to the notification, waiver and permitting process including considering fee adjustments/rebates/other incentives to encourage compliance from the outset by property owners.

**Recommendations**: Staff seeks Council input and direction with respect to enhancing land clearing process and enforcement.

Summary of Tree Removal Exemption, Waiver and Permit Processes				
Procedures	Exemption	Waiver	Tree Removal	
Pre-application Meeting	Optional	Suggested	Required	
	Owner/Parcel Information	Owner/Parcel Information	Owner/Parcel Information	
<b>Application Requirements</b>	Person/Firm to perform removal	Person/Firm to perform removal	Person/Firm to perform removal	
	Exempt activities to be performed	Waived activities to be performed	Tree Survey map	
		Survey indicating Waived activities	EXCEL spreadsheet tree inventory	
Pre-Review Site				
Inspection by Staff	Upon Request by Applicant	Upon Request	Optional by Staff or Applicant	
	Assign Conditions	Map locations of Waivers	Prepare dollar value of removed trees	
Application Review		Draft Conditions	and mitigation costs	
			Approve Applicant mitigation plan	
			Draft Conditions	
	Acknowledge Exemptions	Approve Waiver(s)	Approve Mitigation Plan	
Application Approval		Assign Conditions	Tree Removal and Disposition Plan	
			Assign Conditions	
Clearing by Assigned		Only areas mapped by Staff		
Person or Firm	Condition of Approval	Condition of Approval	Condition of Approval	
Post Removal Inspection	None	During Building Permit Process	Landscape Plan approval	

# **EXEMPTION Conditions of Approval**

- 1. The Exemptions, per the attached Vegetative Clearing Statement of Exempt Activities (Attachment C) are hereby acknowledged. Trees that may be removed under this Exemption are listed in Attachment D.
- 2. If any additional vegetation removal is anticipated, other than that identified on the attached Vegetative Clearing Statement, an additional Exemption or a Waiver or Vegetation Removal Permit is required. Additional vegetation that shall not be removed without an additional Exemption or a Waiver or Vegetation Removal Permit is listed in Attachment E.
- 3. Prior to any clearing activity, the Town's Public Works Department . located at 101 West D Road (Tel. No. 561-807-6671) shall be contacted to determine if a Floodplain Development Application (FDA) is required.
- 4. The Town, at the discretion of the Town Manager and upon notification of the Property Owner, may require a pre and/or post-clearing inspection of the property by Town staff. An additional cost recovery fee may be charged by the Town to cover the cost of the inspection.\
- 5. The Person or Firm to perform the clearing activity shall notify the Town of the date and time a minmum of 24-hours prior to its commencement.

# **WAIVER Conditions of Approval**

- 1. The requested Waivers, per the attached Requested Waivers (Attachment D) is/are granted.
- 2. If any additional vegetation removal is anticipated, other than that identified on the attached Requested Waivers form, an additional Exemption or a Waiver or Vegetation Removal Permit application is required.
- 3. Prior to any clearing activity, the Town's Public works Department . located at 101 West D Road (Tel. No. 561-807-6671) shall be contacted to determine if a Floodplain Development Application (FDA) is required.
- 4. The Town, at the discretion of the Town Manager and upon notification of the Property Owner, may require a pre and/or post-clearing inspection of the property by Town staff. An additional cost recovery fee may be charged by the Town to cover the cost of the inspection.
- 5. The Person or Firm to perform the clearing activity shall notify the Town of the date and time a minimum of 24-hours prior to its commencement.

# TREE CLEARING Conditions of Approval

- 1. Prior to commencing any clearing activities under this permit, areas to be cleared shall be inspected by a Florida Certified Environmental Professional for a written determination of whether or not there is evidence of any Endangered, Threatened or Species of Special Concern wildlife protected by Florida law. The results of the written assessment shall be filed with the Town.
- 2. Based upon the results of Condition1, the Florida Fish and Wildlife Conservation Commission (FFWCC) shall issue any necessary incidental take permits.

- 3. A copy of any required FFWCC permits shall be filed with the Town. No clearing of the area subject to an FFWCC permit shall be allowed until the conditions of the permit are satisfied and the Owner certifies to that effect in writing to the Town.
- 4. Any clearing performed pursuant to this permit shall be consistent with recommendations and/or conditions of any pertinent Environmental Resource Permit (ERP) issued by the South Florida Water Management District (SFWMD).
- 5. Any clearing performed pursuant to this permit shall be consistent with recommendations and/or conditions of any pertinent Floodplain Development Permit issued by the Town.
- 6. The Applicant's Tree Mitigation Requirements and Mitigation Plan are incorporated into this permit as attached.
- 7. Tree mitigation shall be accomplished by implementation of the Pod B Mitigation Landscape Plan Dated June 10, 2021 attached hereto,
- 8. A Clearing and Disposal Management Plan (CD Management Plan) approved by the Town shall be included as an attachment to this permit. The CD Management Plan shall consist of the following elements: A clearing schedule and Town notification requirement; method of disposal, including any offsite travel routes and schedule; use of barriers and flagging to establish appropriate setbacks to protect and preserve at risk retained native trees; and method used to stabilize exposed and disturbed land surfaces. No clearing shall be performed prior to the approval of the CD Management Plan. Any clearing performed pursuant to this permit shall be consistent with the approved CD Management Plan as attached.
- 9. A final inspection shall be completed jointly by the Owner and Town. Should additional mitigation be required as a result of the final inspection, a revised Mitigation Plan shall be prepared by the Owner, approved by the Town and implemented by the Owner.

# ATTACHMENT D

Category I - Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.

Scientific Name	Common Name	Government List
IAbrus precatorius	rosary pea	N
Acacia auriculiformis	earleaf	
	acacia	
Albizia lebbeck	woman's tongue	
IArdisia crenata (=A. crenulata)	coral ardisia	
Ardisia elliptica {=A. humilis)	shoebutton ardisia	N
Asparagus aethiopicus (= A. sprengeri; A. densiflorus misapplied)	asparagus-fern	
Bauhinia variegata	orchid tree	
Bischofiajavanica	bishopwood	
Calophyllum antillanum (=C. calaba,· C. inophyllum misapplied)	santa maria (names "mast wood," "Alexandrian laurel" used in cultivation)	
Casuarina equisetifolia	Australian pine	P,N
Casuarina glauca	suckering Australian pine	P,N
Cinnamomum camphora	camphor-tree	
Colocasia esculenta	wild taro	
Colubrina asiatica	lather leaf	N
Cupaniopsis anacardioides	carrotwood	N
IDioscorea alata	winged yam	N
IDioscorea bulbifera	air-potato	N
Eichhomia crassipes	water-hyacinth	р
Eugenia uniflora	Surinam cherry	
Ficus microcarpa (F. nitida and F. retusa var. nitida misapplied)	laurel fig	
Hydrilla verticillata	hydrilla	P,U
Hygrophila polysperma	green hygro	P,U
Hymenachne amplexicaulis	West Indian marsh grass	
Imperata cylindrica (I. brasiliensis misapplied)	cogon grass	N,U
Jasminum dichotomum	Gold, Coast jasmine	
Jasminum jluminense	Brazilian jasmine	
Lantana camara	lantana, shrub verbena	
Ligustrum sinense	Chinese privet, hedge privet	
Lonicera japonica	Japanese honeysuckle	
Ludwigia pe,ruviana	Peruvian primrosewillow	
Lygodium japonicum	Japanese climbing fern	N
Lygodium microphyllum	Old World Climbing fern	N
Macfadyena unguis-cati	Cat's claw vine	
Manilkara zapota	Sapodilla	
Meleleuca quinquenervia	Meleleuca, paper bark	P,N,U
Mimosa pigra	Catclaw mimosa	P,N,U

# ATTACHMENT D

Nephrolepis cordifolia	sword fern	
Nephrolepis multiflora	Asian sword fern	
Neyraudia reynaudiana	Burma reed, cane grass	N
Paederia cruddasiana	sewer vine, onion vine	N
Paederia foetida	skunk vine	N
Panicum repens	torpedo grass	
Pennisetum purpureum	Napier grass	
Pistia stratiotes	waterlettuce	р
Psidium cattleianum (=P. littorale)	strawberry guava ·	
Psidium guajava	guava	
Pueraria montana var. lobata (=P. lobata)	kudzu	N :1
Rhodomyrtus tomentosa	downy rose-myrtle	N
Rhynchelytrum repens	Natal grass	
Ruellia tweediana (= R. brittoniana)	Mexican petunia	
Sapium sebiferum (= Triadeca sebifera)	popcorn tree, Chinese tallow tree	N
Scaevola taccada (=Scaevola sericea, S. frutescens)	scaevola, half-flower, beach naupaka	N
Schefflera actinophylla (=Brassaiai actinophylla)	schefflera, Queensland umbrella tree	
Schinus terebinthifolius	Brazilian pepper	P,N
Senna pendula var. glabrata (=Cassia colu!eoides)	climbing cassia, Christmas cassia, Christmas senna	
Solanum tampicense (=S. houstonii)	wetland night shade, aquatic soda applel	N,U
Solanum viarum	tropical soda apple	N,U
lSyngonium podophyllum	arrowhead vine	
Syzygium cumini	jambolan, Java_plum	
Tectaria incisa	incised halberd fern	
Thespesia populnea	seaside mahoe	
Urochloa mutica ( = Brachiaria mutica)	Para grass	

FLEPPC. 2007 List of Invasive Species. Florida Exotic Pest Plant. Internet: http://www.fleppc.org

Abbreviations: P = Prohibited by Florida Department of Environmental Protection; N = Noxious weed listed by Florida Department of Agriculture and Consumer Services; and U = Noxious weed listed by U.S. Department of Agriculture.

# ATTACHMENT E

# LOXAHATCHEE GROVES PREFERRED PLANT LIST TREES:

**COMMON NAME:** 

**SCIENTIFIC NAME:** 

LIVEOAK

QUERCUS VIRGINIANA FILICIUM

JAPANESE FERN TREE

**DECIPIENS** 

SILVER BUTTONWOOD

CONOGAGRUS ERECTUS SIRICEUS LIGUSTRUM

LIGUSTRUM WAX.MYRTLE

LUCIDIUM

SLASHPINE

MYRICA CERIFERA PINUS

CREPE MYRTLE

ELIOTT!

MAHOGANY

TAX.ODIUM DISTICffiJM

BALDCYRESS ROYAL

SWEETENA MAHOGONI

POINCIANA RED

TAXODIUM DISTIGIFIJM DELONIX

CEDAR

REGIA JUNIPERIUS VIRGINIANA

# PALMS:

COMMON NAME:

SCIENTIFIC NAME:

CABBAGE PALM

SABAL PALMETTO

FOXTAIL PALM

WODYETIA BIFURGATA

ARECAPALM

DYPSIS LUTECENS

**BISMARK PALM** 

**B1SMARCKIA NOBILIS PAULOTIS** 

PALM

ACELLORRHAPHE WRIGHTII

**PYGMY DATE** 

PHEONIX ROEBELENII

WASHINGTONIA

WASHINGTONIA ROBUSTA

**RIBBON PALM** 

LIVISTONIA DECORA

SAW PALMETTO

SERENGA REPENS

CHRISTMAS PALM

ADONIDIA MERRILL!

#### LAND CLEARING IN LOXAHATCHEE GROVES

# **Comprehensive Plan**

The Town's Comprehensive Plan, adopted in February 2009, contains Objectives and Policies relating to the preservation of trees within the Town.

#### Conservation Element

Policy 4.4.7. The Town shall adopt standards that will allow for protection and enhancement of the existing tree canopy.

Objective 4.6 Assure the maintenance and conservation of trees within the Town, through the continued maintenance of trees within Town properties and through the site plan review process for new development.

Policy 4.6.1. Within one year of adoption of the Comprehensive Plan, the Town shall adopt landscaping standards. These standards shall address the preservation of existing natural growth, the regulation of invasive and exotic plant species, the promotion of native plant materials usage and minimal landscape buffer criteria. These standards shall also contain restoration and mitigation measures to compensate for the loss of native vegetation and shall define stabilization measures for areas impacted by development.

Policy 4.6.3. The Town shall encourage and educate the public in the planting and maintenance of trees and provide public education on the placement of canopy trees and other landscape materials to strategically provide shade and reduce energy consumption.

Policy 4.6.6. With all new development, the Town shall regulate Category I invasive exotic vegetation as defined on the most current list established by the Florida Exotic Pest Plant Council. The list is available on the Council's website: <a href="https://floridainvasivespecies.org/plantlist.cfm">https://floridainvasivespecies.org/plantlist.cfm</a>

# Future Land Use Element

Policy 1.1.B.8. The Town shall continue to maintain the rural zoning regulations for areas designated Rural Residential in order to protect and preserve the rural communities of present and future residents of these areas. The regulations shall, at a minimum:

8. Include provisions that: encourage maximizing the preservation of open space and protection of native vegetation and tree canopy in front, rear, and side yards; preserve environmental systems; protect wildlife; and, retain the rural character.

Policy 1.13.3. The Town shall encourage and educate the public in the planting and maintenance of trees and provide public education on the placement of canopy trees and other landscape materials to strategically provide shale and reduce energy consumption.

# **Unified Land Development Code**

October 5, 2010 - Town Council adopted Ordinance 2010-008, establishing regulations regarding native tree preservation, soil stabilization and invasive exotic removal.

July 9, 2019 – Town Council adopted Ordinance 2019-03, repealing Ordinance 2010-008, and enacting new regulations regarding native tree preservation and invasive exotic removal. These regulations are codified in Article 87 of the Town's Unified Land Development Code (ULDC).

The provisions in Article 87, ULDC, implement the Objectives and Policies of the Comprehensive Plan related to native tree preservation and invasive exotic removal. The provision of Article 87, ULDC, apply to all property within the Town (Sec. 87-010) and prohibit any tree removal unless exempted or approved by the Article (Sec. 87-010).

Sec. 87-020 provides a list of exempt activities. These activities allow for some land clearing and tree removal without a permit. There are 15 listed exempt activities, including routine maintenance mowing and bush hoggin, removal of dead and hazardous trees, by and for surveying, and removal of trees on the list of prohibited invasive non-native trees that is maintained by the Town. Removal of all prohibited invasive, non-native plant species on the list must be removed from property prior to the issuance of a certificate of occupancy being issued (Sec. 87-035(E)). The Town does have a process to provide a vegetation removal exemption form to the property owner related to performing exempt activities. The vegetation removal exemption form is not required to perform the exempt activities but does provide documentation should the property owner or the Town get asked about the activity being performed on the property. The Town's adopted fee schedule has a fee for Vegetation Removal/Land Clearing Exemptions of \$250.

Sec. 87-025 provides for a vegetation removal waiver within the Town's Agricultural Residential (AR) zoning district. The waiver is intended to address common basic needs for vegetation removal for properties in this zoning district related to safety, residential uses, and requirements under other government entity permits. The waiver must be applied for and approved by the Town to be effective, it is not an exemption. There are 7 activities listed for which a waiver may be approved, including for a fence; for construction of a house, septic system, driveway, accessory structures and buffer; and a one-time removal of up to 5 non-specimen native trees. The Town's adopted fee schedule has a fee for Vegetation Removal/Land Clearing Waiver of \$250.

Sec. 87-030 requires a tree removal permit for removal of all trees unless exempt (Sec. 87-020) or awarded a waiver (87-025) and provides the process to apply for and receive such a permit. A tree removal permit requires the inspection of the property, and a provision of a tree survey (on undeveloped lots and on developed lots removing more than 5 native trees). The Town's adopted fee schedule has a fee for Vegetation Removal/Land Clearing Permits of \$2,000.

The Town has an arborist available to do site visits and work with property owners to determine and mark trees that are nonnative exotics that may be removed. The arborist also assists the Town with determinations for compliance with activities under Article 87. Site visits are also provided for in the Town's adopted fee schedule at \$125 per hour and are included in the fee for the tree removal permit.

Sec. 87-035 provides regulations for many tree protection standards, including a prohibition on clearing or grubbing a site unless done in accordance with an exemption, waiver, or permit. Sec. 87-035 also provides for relocation of native trees on-site or off-site, and for mitigation provisions in the event native trees are removed from the property or relocated trees die. Mitigation under this

section is accomplished by replacement. This section also provides for the ability to pay a mitigation fee in certain instances.

Sec. 87-040 identifies specimen trees and provides for the protection, relocation, and mitigation of specimen trees.

# **Agricultural Uses**

Secs. 163.3162 and 823.14, F.S. prohibit government entities from adopting and enforcing any ordinance, resolution, regulation, rule or policy to prohibit, restrict, regulate, or limit an activity of a bona fide farm operation on land classified by agricultural land pursuant to Sec. 193.461, F.S., if such activity is regulated through implemented best practices. Interim measures, or regulations adopted as rules under chapter 120.

Sec. 193.461, F.S. provides for the classification of land as agricultural by the County Property Appraiser when it is used for agricultural purpose. Such classification is only for the portion of the land that is used for such purpose.

Sec. 87-015 defines Agriculture to include uses on lands engaged in farming, as defined in Sec. 823.14(3), F.S.

Sec. 823.14, F.S. is the Florida Right to Farm Act (Act). The Act defines farm as "the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products". The Act defines farm product as "any plant, as defined in 581.011, or animal or insect useful to humans and includes, but is not limited to, any product derived therefrom".

Sec. 87-020 exempts on-going or maintenance clearing and tree removal operations related to agricultural operations, but not the initial clearing of the parcel.

Sec. 87-035 provides for clearing of property for agricultural use consistent with State requirements without concurrent complete mitigation and allows an alternative tree survey and mitigation specification to be approved by the Town rather than requiring strict compliance with the tree survey and mitigation requirements provided for other parcels under this section. To qualify for the agricultural mitigation, the property owner must record a Declaration of Restrictive Covenants restricting the use of the property to agricultural and make a payment to the Loxahatchee Groves Tree Mitigation Trust Fund and may mitigate the trees through replacement. The agricultural mitigation only applies to that portion of the property assigned an agriculture use code by the Palm Beach County Property Appraiser.

Sec. 87-040 requires agricultural lands to incorporate specimen trees or mitigate for their removal.

Pursuant to the above ULDC provisions, and the Town's adopted fee schedule, if mitigation is required for vegetation removal on agricultural lands, only a percentage of the mitigation fee is required. For parcels 5 acres or less it is 2%, for parcels of 5.01 to 20 acres it is 5% and for parcels larger than 20 acres it is 10%. If a property is awaiting an agricultural classification, the full mitigation payment is required until the agricultural classification is obtained and then the Town

will refund the mitigation amount up to the designated percentage based on the acreage of the property.

#### Wildlife

The Florida Fish and Wildlife Commission (FWC) issues permits for activities that may cause a "take" of certain listed species. A take includes danger or injury to the species and its habitat, including vegetation removal. A take may be intentional or incidental and carries penalties regardless. There are 26 listed species, including various reptiles, birds and mammals that may live within the Town. Information regarding wildlife permits is on the FWC's website: <a href="https://myfwc.com/license/wildlife/protected-wildlife-permits/">https://myfwc.com/license/wildlife/protected-wildlife-permits/</a>

Recipient sites for gopher tortoise relocation require 25 acres or more and may be public or private lands. Additional information is on the FWC's website: <a href="https://myfwc.com/license/wildlife/gopher-tortoise-permits/recipient-sites/">https://myfwc.com/license/wildlife/gopher-tortoise-permits/recipient-sites/</a>

# **Updates in Florida Law**

In 2019, the Legislature adopted Sec. 163.045, F.S. regarding tree pruning, trimming, or removal on residential property, which was amended by the Legislature in 2022. This Section prohibits a local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree (including specimen trees) on residential property if the property owner possesses certain documentation that the tree poses an unacceptable risk to persons or property. The statutory language includes a standard for the assessment of the trees, qualifications of the individuals performing the assessment, and that the required documentation must be in the property owner's possession at the time the work is performed. Article 87, ULDC, already provides that removal of dead and hazard trees is an exempt activity. If such action is taken pursuant to Sec. 163.045, the local government may not require replanting. For interpretation of Sec. 163.045, residential property is a single-family, detached building on a lot actively used for single-family residential purposes as a conforming use or a legally nonconforming use.

# **Enforcement**

Sec. 87-055 provides for the enforcement of tree removal and land clearing activities through the code enforcement process. As with all code enforcement activities, the enforcement is after the violation occurs. Each tree removed is a separate violation. Penalties associated with enforcement may include permit fees at 4 times the original amount, mitigation fees, replanting requirements, other fines and costs.

Oftentimes vegetation removal activities also involve the need for a floodplain development application with the Town. Failure to obtain or comply with the floodplain development regulations of the Town may be enforced through issuance of a stop work order (Sec. 175-245, ULDC). The Palm Beach County Sheriff's Office has agreed to work with Town staff in the delivery of stop work orders to assist with compliance.

While the Town cannot require notice or permitting of tree removals performed consistent with Sec. 163.045, which it already exempts, the Town is still able to take action to enforce its tree

protection codes. A tree removal code action based on a tree removal that was performed in accordance with Sec. 163.045, F.S. would be dismissed upon the property owner providing the statutorily required documentation to the Town.

#### Footnotes:

--- (1) ---

**Editor's note—** Ord. No. 2019-03, § 3(Exh. A), adopted July 9, 2019, repealed the former Art. 87, §§ 87-005—87-040. Exhibit B of said ordinance enacted a new Art. 87 as set out herein. The former Art. 87 pertained to native tree preservation, soil stabilization and invasive exotic removal and derived from Ord. No. 2010-008, § 2(Exh. A, §§ 1—8), adopted Oct. 5, 2010.

Cross reference— Landscaping, § 85-005 et seq.

#### Section 87-005. - Purpose and intent.

- (A) Purpose. The purpose of this section is to implement the policies of the Future Land Use and Conservation Elements in the Town of Loxahatchee Groves Comprehensive Plan by establishing an administrative review and permitting process to prohibit the unnecessary removal or destruction of native trees and requires the removal of certain invasive, non-native plant species by:
  - (1) Limiting the removal of native trees from a site until the approval of a site development plan.
  - (2) Preserving and incorporating specimen trees into the site design.
  - (3) Prohibiting speculative clearing and clear cutting.
  - (4) Providing protection for individual trees located outside preserve areas.
  - (5) Requiring the removal of invasive, non-native plants prior to occupancy or use of a parcel.
  - (6) Protecting exposed and disturbed soils from stormwater or wind forces.
  - (7) Encouraging procedures to minimize siltation and sedimentation from disturbed and exposed soil surfaces.
- (B) *Intent.* It is the intent of the Town to protect the health, safety, and welfare of its residents by encouraging the protection of native trees. The minimum standards of this section help achieve this goal by:
  - (1) Conserving natural resources. Existing trees individually, in significant grouping, or in natural ecosystems, are essential elements of the Town's environmental heritage.
  - (2) Serving functional values. Trees serve a number of invaluable environmental, economic, social, educational, and aesthetic functions, including:
    - (a) Maintaining air quality through photosynthesis.
    - (b) Maintaining permeable land areas for aquifer recharge and surface water filtration.
    - (c) Reducing and reversing air, noise, heat, and water pollution.
    - (d) Promoting energy conservation through the creation of shade, reducing heat gain in or on buildings or paved areas, and reducing the temperature of the microclimate through evapotranspiration.
    - (e) Reducing erosion by stabilizing the soil.
    - (f) Providing habitat and corridors for wildlife.
    - (g) Serving as educational, aesthetic, historic, and cultural resources.

- (h) Buffering and providing a transition area between otherwise incompatible types of development.
- (i) Increasing economic value of land by serving as a capital asset in site design.
- (j) Promoting the use of plant species native to South Florida through relocation and installation.
- (3) Preventing destructive land development practices. The land clearing practices of grubbing or speculative clearing of lots without an approved site development plan or a comparable preservation management plan may result in the removal of native trees that may have otherwise been preserved or relocated.

Section 87-010. - Applicability.

- (A) The provisions of this section shall apply to all property within the Town of Loxahatchee Groves. This section is intended to complement and not conflict with other Town, state, and federal environmental regulations. However, in cases of conflict, the more restrictive regulations shall apply to the extent of the conflict.
- (B) The Town shall have regulatory authority over the alteration, abuse or removal of non-native and native upland trees, and the stabilization of exposed soil surface areas.
- (C) No person may conduct a tree removal operation unless such operation is exempted by, or expressly approved by this Article.

(Ord. No. 2019-03, § 3(Exh. B), 7-9-2019)

Section 87-015. - Definitions.

For the purpose of this article the definitions in this section shall apply unless the context clearly indicates or requires a different meaning. In construing the provisions of this article, if no definition is provided herein and when context will permit, publications recognized as authoritative in the scientific and engineering fields shall apply. Such publications shall include: "Dig Manual" by the State of Florida, "ANSI A300-Trees, Shrubs and Other Woody Plant Maintenance—Standard Practices" by the American National Standards Institute, "Grades and Standards for Nursery Plants—Parts I and II" by the Florida Department of Agriculture, and Chapter 62 of the Florida Administrative Code.

Agriculture. Agriculture includes those uses conducted on lands which are engaged in farming as defined in F.S. § 823.14(3), as follows: "Farm means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

Caliper. Thickness of a tree.

Canopy. The upper portion of a tree consisting of limbs, branches and leaves.

Canopy spread. The longest horizontal distance between the tips of limbs across the crown of a tree.

Champion tree. A champion tree is the largest tree of its species within the state as recognized by the Florida Department of Agriculture's Division of Forestry based on trunk circumference, vertical tree height, and average crown spread.

Clear cut or clear. Removal of all native trees from a site.

*Clear trunk.* The distance between the top of the root ball along the vertical trunk or trunks of a tree to the point at which lateral branching or fronds begin.

*Clear wood.* The portion of a palm trunk which is mature hardwood measured from the top of the root ball to the base of green terminal growth or fronds.

Crown. The branches, leaves and reproductive structures extending from the trunk of a tree.

Crown spread. The average distance of the diameter of the extent of the upper portion of a tree,

Diameter breast height (DBH). The diameter of the trunk of a tree measured at four and one-half feet above grade.

Effectively destroy. To purposefully cause, allow, or permit any act which will cause a tree to die.

*Ground cover.* A low-growing plant that, by the nature of its growth characteristics, completely covers the ground and does not usually exceed two feet in height.

Grubbing. Removal of roots that remain in the soil after clearing of a site.

Hatracking. The cutting back of limbs to the extent that trees are damaged to the extent that they will never regrow a natural canopy and must be replaced.

*Invasive non-native vegetation.* For the purposes of this article, those species included but in a list maintained by the Town shall be recognized as invasive non-native vegetation within the Town.

Land clearing. The removal of trees, shrubs, and/or undergrowth by stripping or any other process, with the intention of preparing real property for development, as defined in F.S. Section 380.04. Land clearing shall not include the selective removal of non-native tree and shrub species when the soil is left relatively undisturbed, the removal of dead or nuisance trees; or normal mowing operations.

*Mulch.* Organic material such as wood chips, pine straw or bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and enrich the soil.

Native plant species. Plant species scientifically documented to be indigenous to the ecological communities of South Florida.

*Natural destruction.* Destruction of a tree by naturally occurring diseases such as Pine Boars, etc., or acts of nature such as storm events or lighting strikes.

Nonresidential/nonagricultural land uses. Uses permitted in the Town's Commercial Low (CL), Commercial Low Office (CLO), and Institutional and Public Facilities (IPF) zoning districts and uses that are not residential or agriculture in the Town's Agricultural Residential (AR) zoning district.

Preferred plant species. Plant species scientifically documented to be indigenous to the ecological communities of South Florida and included on the list of locally indigenous species maintained by the Town.

*Prohibited invasive non-native vegetation.* For the purposes of this article, those species included in a list maintained by the Town shall be recognized as invasive non-native vegetation within the Town.

Specimen tree. A tree that has attained an age where its size, stature, health, and appearance contributes to the aesthetics of the Town. Trunk sizes designating specimen stature of the most commonly found native trees are identified on the Specimen Tree List compiled and maintained by the Town of Loxahatchee Groves. Other trees are specimen trees, if the trunk has attained a diameter of at least 33 percent of that of the State of Florida Division of Forestry's listed State of Florida champion for the applicable tree.

Speculative clearing. Clear cutting or clearing of non-exempt trees on a site without a permit or waiver issued by the Town.

*Tree.* A self-supporting woody perennial plant, usually with one vertical stem or main trunk which naturally develops a distinct, elevated crown and provides, at maturity, natural characteristics of the species.

Understory. The vegetation layer, including plants growing between the tree canopy and ground cover.

*Wetland, jurisdictional.* A jurisdictional wetland is defined in subsection F.S. Section 373.019(25), as may be amended.

Section 87-020. - Exempt activities.

The following activities are exempt from these requirements:

- (A) Land surveying. The minimal removal of trees or understory by a Florida licensed land surveyor necessary for the performance of his or her duties provided the swath cleared shall not exceed five feet in width and hand clearing shall be used to remove vegetation. If survey lines greater than five feet in width are required, the Town shall be notified, and a permit shall be required.
- (B) Utilities and easements. Any alteration to design specification, pursuant to the direction of public or private utility organizations or agencies, water control district, or water management district within drainage easements where such activity has received all required construction and/or operating permits.
- (C) Management plan activities. Alterations or activities associated with the adopted management plan for government-maintained parks, recreation areas, wildlife-management areas, conservation areas, and preserves.
- (D) Enhancements and restoration. The removal of trees by the Town, Palm Beach County, the State of Florida, or their agents, for the purposes of environmental enhancement or environmental restoration.
- (E) Natural emergencies. The provisions of this section may be suspended or waived by the Town Manager or designee during a period of officially declared emergency, such as a hurricane, a windstorm, a tropical storm, flood, or other similar disaster.
- (F) Forest management activities. Selective tree removal for forest management activities as defined in the current Forest Management Plan as approved by the Florida Division of Forestry for that specific site.
- (G) Botanical gardens, botanical research centers, or licensed commercial or wholesale nurseries. Following the approved initial clearing of the site for one of these activities, subsequent harvesting or other plant removal shall not require a tree removal permit.
- (H) Agricultural operations. Clearing that is part of the on-going activities of an existing agricultural operation including the maintenance and upkeep of agricultural and pasture lands. Initial clearing of a parcel not previously used for these purposes is not an exempt activity. Assignment of an Agricultural Residential (AR) zoning designation to a property does not, in itself, qualify said property for an exemption under this Article.
- (I) Dead and hazard trees. Removal of dead or hazard trees that constitute a peril to life or property
- (J) Alteration of trees pursuant to an adopted management plan. For government maintained parks, recreation areas, wildlife management areas, conservation areas and preserves, subject to review and comment by the Town, excluding new construction or parcel improvement.
- (K) *Tree pruning.* Pruning of all trees in accordance with the American National Standards Institute (ANSI) A300, to allow for healthy growth and to promote safety.
- (L) Routine landscape maintenance. Mowing, hedging, hedge trimming, and ongoing gardening operations or "bush hog" type mowing operations in areas that are regularly maintained.
- (M) Conservation or preservation area management. Subject to review and comment by the Town, management activities in areas designated by deed restriction, plat, restrictive covenant, or conservation easement dedicated to a public entity or approved private conservation group for preservation provided the activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences; and the preserve area has a preserve management plan approved by the Town, or another governmental entity.

- (N) Removal of prohibited invasive non-native and dead trees. Trees included on the list of Prohibited Invasive Non-Native Trees maintained by the Town.
- (O) Removal of trees within a "sight distance triangle". Trees within the site distance triangle of a site, as defined in Section 105-005, Sight distance triangle, of the Unified Land Development Code.

Section 87-025. - Agricultural Residential (AR) zoning district tree removal waivers.

- (A) A landowner in the Agricultural Residential (AR) zoning district may apply for approval by the Town of a tree removal waiver for the following activities within a property containing an existing legal use or a vacant parcel whose proposed use is legal. The Waiver may be approved by the Town on a caseby-case basis, after determination that the parcel owner is providing a building location that minimizes impacts to native trees to maximum extent practicable. Additional clearing activities may be required by the Town to obtain a tree removal permit. A tree survey is not required in order to apply for a tree removal waiver.
  - (1) The minimal removal of native trees or understory necessary to install a fence, provided that the path cleared for the fence does not exceed five feet in width, with an additional five feet, not to exceed a total of ten feet, in cases where a total of five feet is not physically possible, as determined by Town staff.
  - (2) Clearing required for the house pad and attached structures, the septic system, driveway and a 50-foot cleared buffer area around the house.
  - (3) Clearing required for building accessory structures, including a 30-foot cleared buffer around such structures.
  - (4) Pruning and removal of trees within a utility easement, for maintenance and where the trees are interfering with services provided by a utility. Including public utility, water control, water management, and road right-of-way activities within utility and drainage easements.
  - (5) Wetland mitigation or enhancement activities conducted pursuant to a permit from the South Florida Water Management District or the Florida Department of Environmental Protection under Chapter 62-312, F.A.C. as amended. A copy of the permit shall be attached to the Waiver granted by the Town.
  - (6) Parcels of vacant land shall be allowed to remove overgrown herbaceous understory vegetation to preserve tree canopy in areas where natural fire has been suppressed and where a prescribed burn would not be feasible.
  - (7) One-time removal of up to five non-specimen native trees on an existing developed property.
- (B) No healthy native trees that have two inches DBH or greater are to be removed or damaged unless exempted under Section 87-020 or permitted under Section 87-030 Tree Removal Permits or a tree removal waiver.

(Ord. No. 2019-03, § 3(Exh. B), 7-9-2019)

Section 87-030. - Tree removal permits.

A landowner may apply for approval by the Town of a tree removal permit within a property containing an existing legal use or a vacant parcel whose proposed use is legal. A tree removal permit shall be required for the removal of all trees unless exempt under Section 87-020 or awarded a tree removal waiver by the Town under Section 87-025.

- (A) General application requirements. The following general application requirements apply to all applications.
  - (1) Permit applications shall be made on forms provided by the Town.
  - (2) An application shall not be deemed complete until the application fee and all information necessary to understand the extent, nature and potential impacts of a proposed project are received by the Town. Application information may include, but is not limited to:
    - a. A completed application form with the signature of the parcel owner, or authorized agent of the parcel owner with agent authorization letter;
    - b. A description of the work to be performed;
    - c. Parcel information including legal description and a location map;
    - Identification of the type, size and location of native trees that are two inches DBH and greater to be removed with representative color photographs; and
    - e. A tree replacement or tree relocation table, if applicable.
  - (3) Fees. Permit application filing fees shall be required, as established by a Resolution of the Town Council. Fees shall be non-refundable and non-transferable. An additional amount may be required where projects require specific detailed processing assistance by the Town, or where plans significantly change after initial review pursuant to the Town's cost recovery policies. Application fees and cost recovery amounts paid by check shall be payable to the Town of Loxahatchee Groves.
  - (4) Inspections. An application for a tree removal permit constitutes consent by the property owner and/or applicant for the Town to conduct site inspections in furtherance of this article on the subject property, pursuant to permit requirements.
- (B) Existing development. The property owner of an existing development shall submit a tree removal permit application to the Town, along with the associated review fee and any additional cost recovery amount established by the Council. The property owner shall submit any additional information the Town Manager, or designee deems necessary to complete the review of the application. Applications to remove more than five native trees shall include a tree survey.
- (C) Proposed development. As part of the site plan or building permit review process, the applicant for a proposed development shall include a tree survey of all native trees located within the proposed development area(s), or areas to be cleared. For any tree(s) that are to be removed or relocated, the applicant shall submit a tree removal permit or waiver application along with a copy of the tree survey that indicates the current location of and proposed method of mitigation for the tree(s) to be mitigated.
- (D) *Criteria for review.* A tree removal permit for existing or proposed development shall be issued if one or more of the following criteria are evidenced in the application:
  - (1) The trees interfere with utility services.
  - (2) The trees create unsafe vision clearance for pedestrian and vehicular traffic.
  - (3) The trees are located in the buildable area of the site, unreasonably restrict the permitted use, and cannot be relocated on site due to viability, age, type, or size.
- (E) *Permit conditions.* The Town may include, but not be limited to the following permit conditions with the approval of a permit.
  - (1) Conditions reasonably necessary to protect the environmental integrity of any on-site or adjacent wetlands, mitigation areas and preserve areas, and to prevent potential harm to native plant and animal species.
  - (2) Conditions for vegetation debris removal.

- (3) The use of barriers and flagging during construction to establish appropriate setbacks to protect and preserve existing native vegetation.
- (4) Conditions reasonably necessary to stabilize exposed and disturbed land surfaces.
- (5) A performance guarantee in an amount equal 110 percent of the cost of the required tree mitigation for tree removal on vacant lands.
- (F) Issuance and expiration.
  - (1) Tree removal permit applications shall be reviewed and approved according to the Category B Special Exception procedure pursuant to ULDC Article 170, Special Exception Uses.
  - (2) Existing development. Tree removal permits will be issued following review and approval of the application.
  - (3) Proposed development. Tree removal permits shall be issued concurrent with an application for a building permit or other site development permit where trees are affected.
  - (4) Expiration. Tree removal permits shall expire 120 days after the date of issuance unless extended by a condition of approval of the tree removal permit. Any work not completed within the standard or extended period shall require submission of a new tree removal permit application and associated review fees. The Town Manager or designee may administratively approve an additional extension in conjunction with an approved development order.

Section 87-035. - Tree protection standards.

- (A) *Prohibition on speculative clearing.* Clearing or grubbing of a site is prohibited, unless allowed under Sections 87-020, 87-025, or 87-030.
- (B) Preservation of native trees.
  - (1) Native trees, on a list compiled and maintained by the Town, shall be maintained on site and in their existing locations unless otherwise permitted by this Article or any other applicable Code provisions.
  - (2) In the event a native tree is to be relocated on a proposed development site, the tree may be relocated to one of the following areas on the site (listed in order of preference): preserve area, buffer, interior landscaping, or other area on-site authorized in the tree removal permit by a condition(s) of approval.
  - (3) In the event a native tree cannot be maintained or relocated on site, the tree may be relocated to an off site property included on the Town's list of approved native tree recipients.
  - (4) Hatracking, as defined herein, of trees is prohibited.
- (C) Land clearing standards. The landowner shall take all reasonable measures during land clearing activities to avoid damage to trees and other native vegetation designated to remain, and to protect exposed and disturbed soils from stormwater and wind forces.
  - (1) Best management practices shall be implemented to protect exposed and disturbed soils from stormwater or wind forces during construction activities.
  - (2) Removal of existing native vegetation shall be limited to that area necessary to implement an approved project.
  - (3) Development projects shall be designed to maximize removals from areas dominated by invasive non-native vegetation.

- (4) Native trees in the footprint of the proposed development that can reasonably be transplanted with an anticipated high degree of success should be incorporated into other areas on the parcel to the maximum extent practicable. If movement is not practical, trees shall be mitigated (See Section 87-035(C) Mitigation).
- (5) All exposed and disturbed surfaces shall be mulched, seeded, sodded, vegetated or otherwise stabilized by the time of Certificate of Occupancy or final inspection. Failure to stabilize disturbed surfaces, as well as the removal of vegetation resulting in on-site or off-site erosion (sedimentation or siltation or both) or the windblown loss of soil shall be deemed a violation of this article.

# (C) Mitigation.

- (1) Mitigation. Mitigation, through tree replacement as specified under this section, shall be required for the removal of native trees that are two inch DBH or greater. A tree replacement table identifying and quantifying all replacement trees to be mitigated shall be submitted with the permit application. The tree replacement plan shall also identify the size of each replacement tree and location for installation. The tree replacement plans shall maximize tree and vegetative buffering between properties. Tree replacement can be done by the landowner.
- (2) Tree replacement. Removed native trees shall be mitigated through replacement in accordance with the Tree Replacement Table, shown below. For relocated trees which die within one year of relocation, the replacement value shall be that as shown in the Tree Replacement Table. Those trees less than six inches DBH shall be replaced with the same size tree as the relocated tree.
  - (a) All replacement trees shall consist of native trees indigenous to the area, and have an appropriately sized root ball and be free of disease, defects or damage that will prohibit the tree from attaining its natural growth habit. Pine trees that are selected as replacement trees shall be South Florida Slash Pine trees only.
  - (b) If the required replacement trees cannot be purchased within 60 miles of the parcel, an alternate replacement may be approved by the Town.
  - (c) At least 50 percent of the trees planted as mitigation shall be the same species as the trees removed.
  - (d) All replacement plants specified in the tree removal permit are required to be accepted prior to the release of the Certificate of Occupancy, unless otherwise approved by the Town.
  - (e) Monitoring time frames for all replacement plants specified in the tree removal permit shall be established as permit conditions.
  - (f) Mitigation vegetation, other than trees, may be approved by the Town providing the vegetation is native and indigenous to the area.
  - (g) For parcels that have a conservation easement requirement from the SFWMD or the Town, where the dedication of upland buffers around a wetland is included as wetland mitigation, any trees installed within the dedication upland buffer may apply to the tree replacements required in the Tree Replacement Table.
  - (h) All replacement trees must survive at least within one year of planting and must be replaced as often as necessary for the replacement to live beyond one year.
  - (i) Specimen trees are not subject to cutting, relocation or mitigation without approval of the Town Council.

Tree Replacement Table	
Tree Height and DBH	# of Replacement Trees Required

24 ft. up with a 6 inch or greater DBH	1 at same size, or two at 18 feet to 20 feet in height
16 feet to less than 24 ft. with a 4 inch to 6 inch DBH	1 at 18 feet to 20 feet in height, with a 4 inch to 6 inch DBH
12 feet to less than 16 feet, with a 2 inch to 4 inch DBH	1 at 12 to 16 feet in height, with a 2 inch to 4 inch DBH
Less than 12 ft., with less than 2 inch DBH	0

- (3) Mitigation waivers. Mitigation requirements may be waived by the Town per Section 87-025.
- (4) Agricultural mitigation. The Town shall provide for a parcel to be cleared for a proposed agriculture use consistent with state requirements without concurrent complete mitigation. Further, the cost to comply with the requirement to quantify the complete tree mitigation specification or a tree survey may be a deterrent to agriculture in some cases. In such case, an alternative tree survey and mitigation specification may be approved by the Town.

In combination with a mitigation specification, including the cost to mitigate, the Town shall require that the parcel owner:

- (a) File a tree removal permit affidavit with the Town and record a Declaration of Restrictive Covenant on Town approved forms limiting the parcel to agriculture use, and requiring the parcel owner to make a cash donation to the Loxahatchee Groves Tree Mitigation Trust Fund, or to mitigate in accordance with the Tree Replacement Table at the time of a change to a non-agricultural use. The tree removal permit affidavit shall include language quantifying the complete tree mitigation specifications, including costs, required at the time of conversion. Any restrictions presently in place by county or state must be included.
- (b) Make an initial non-refundable cash contribution to the Loxahatchee Groves Tree Mitigation Trust Fund according to the following schedule included in the tree mitigation specifications: For parcels five acres or less—2% of the mitigation costs; for parcels of 5.01 to 20 acres—5% of the tree mitigation costs; and parcels of 20.01 acres and more—10% of the tree mitigation costs.
- (c) File an amended tree removal permit application, subject to mitigation requirements per Sections (C)(1) and (2) above, for those portions of the property not assigned an agriculture Use Code by the Palm Beach County Appraiser.
- (5) Alternative mitigation. Alternative mitigation proposals that meet the purpose and intent of this article may also be submitted and will be reviewed on a case-by-case basis. Alternative mitigation proposals require approval by the Town Council prior to issuance of a tree removal permit. Any alternative mitigation which is proposed must remain within the Town.
- (6) Mitigation for violations. When native trees that are two inches DBH or greater are removed or are damaged without a permit, or when trees that were to be preserved in place are damaged or destroyed by activities conducted with a permit, those native trees shall be replaced at double the rate shown in the Tree Replacement Table, according to a tree restoration plan approved by the Town, and may be subject to additional fines at the discretion of the Town Council.
- (7) Nonresidential/nonagricultural land uses. If any native trees cannot be preserved, relocated or mitigated on site and off site relocation or mitigation on a property on the Town maintained list of

approved sites is not possible, then a fee-in-lieu equivalent to three times the retail value of each tree, plus installation costs, shall be required for each native tree not preserved, relocated, or mitigated on the property or relocated or mitigated off-site. This fee shall be paid to the Town and used for the installation of native trees on publicly-owned land within the Town.

- (8) Residential land uses greater than two acres in size. If any native trees cannot be preserved, relocated, or mitigated on site and off site mitigation within the Town is not possible, then a fee-in-lieu equivalent to three times the retail value of each tree shall be required for each native tree not preserved, relocated, or mitigated on the property or mitigated off-site to properties on the list of approved native tree recipients maintained by the Town. This fee shall be paid to the Town and used for the installation of native trees on publicly-owned land, or other land within the Town, as determined by the Town Council. Non-conforming lots of less than two acres in size are exempt from this requirement.
- (D) Tree credits. Native trees preserved, relocated, or mitigated on site may be credited towards meeting the landscaping requirements of Article 85 Landscaping. Preserved or relocated trees shall be credited at replacement rates in the Tree Replacement Table.
- (E) Removal of prohibited invasive, non-native plants. All prohibited invasive, non-native plant species on the list maintained by the Town shall be removed from the site prior to issuance of a certificate of occupancy.
- (F) Protection of preserved/relocated trees during construction. In order to protect preserved and relocated trees from damage during construction, the following measures shall be implemented:
  - (1) No excess soil, additional fill, equipment, liquids, or construction debris shall be placed within the drip line of any tree preserved in its original location.
  - (2) No attachments or wires other than those of a protective or non-damaging nature shall be attached to any tree.
  - (3) No soil shall be removed from within the drip line of any tree to remain in its original location, unless otherwise authorized by the tree removal permit.
  - (4) Protective barriers shall be installed and maintained for the period of time described in the Landscape Plan required by Section 85-050, Landscape plans, on a nonresidential/nonagricultural construction site.
- (G) Nonresidential/nonagricultural tree management plan. Native trees preserved on a proposed development site shall be protected by a tree management plan. The tree management plan shall be submitted as part of a site plan approval application and shall be subject to review and approval by the Town Council. The tree management plan shall be incorporated into the site plan approval and shall include provisions for:
  - (1) Replacement of trees damaged during construction and those that do not survive the first year following transplantation.
  - (2) Submission trees.
  - (3) Proper maintenance of preserved trees.

(Ord. No. 2019-03, § 3(Exh. B), 7-9-2019)

Section 87-040. - Specimen trees.

Trees that have attained the size and stature to meet the "specimen" designation are trees that are an important natural resource of the Town and deserve special protection. All applications for development approval shall comply with the conditions and requirements of this subsection.

(A) Specimen tree list. The following list includes the most commonly found native trees in Palm Beach County with the specimen size trunk diameter at breast height (DBH) and circumference calculations in inches:

Specimen Tree Trunk DBH and Circumference Table			
Common Tree Name	Scientific Name	Specimen Trunk Size (in inches)	
		DBH	Circumference
Bald Cypress	Taxodium distichum	13	42
FL Strangler Fig	Ficus aurea	25	78
Dahoon Holly	Ilex cassine	4	13
Green Buttonwood	Conocarpus erecta	13	42
Gumbo Limbo	Bursera simaruba	13	41
Laurel Oak	Quercus laurifolia	17	56
Live Oak	Quercus virginiana	22	72
Mahogany	Swietenia mahogani	14	43
Pond Cypress	Taxodium ascendens	13	42
Red Bay	Persea borbonia	14	43
Red Maple	Acer rubrurn	13	40
Red Mulberry	Morus rubra	13	43
Sand Pine	Pinus clausa	8	27
Seagrape	Coccoloba uvifera	10	32
Slash Pine	Pinus elliott var. densa	14	45

Southern Red Cedar	Juniperus silicicola	21	64
Swamp Bay	Persea palustris	14	43
Sweet Bay	Magnolia virginiana	12	38

- (B) Non-specimen trees. The following trees are not considered specimen trees:
  - (1) Trees listed in the Specimen Tree Trunk DBH and Circumference Table that do not meet the specimen trunk size criteria.
  - (2) Native trees not listed in the Specimen Tree Trunk DBH and Circumference Table.
  - (3) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, such as citrus, avocados, mangos.
  - (4) Invasive, non-native plant species on the list maintained by the Town.
  - (5) All non-native, multi-trunk palms.
- (C) Requirements. All sites proposed for development containing specimen trees shall comply with the following conditions shall be developed to incorporate specimen trees in place in the site design to the greatest extent possible:
  - (1) Site plans, building plans or tree removal permits, including those for proposed residential use shall be developed to incorporate specimen trees in place in the site design to the greatest extent possible.
  - (2) Specimen trees on nonagricultural/nonresidential sites shall be relocated on site if there is no construction alternative that allows incorporation of the tree into the site design.
  - (3) If specimen tree on a nonagricultural/nonresidential site cannot be preserved in place, or relocated on site, then the specimen tree can be relocated off site.
  - (4) Relocated specimen trees shall be provided with irrigation, mulching, and other means to ensure survivorship. If relocated specimen trees do not survive, they shall be replaced with native tree species on a one-for-one or DBH inch-by-inch basis, whichever maintains the greatest amount of tree canopy.
  - (5) Trees planted in mitigation shall comply with the requirements in the Specimen Tree Trunk DBH and Circumference Table.
  - (6) If on-site mitigation is not possible on a nonagricultural/nonresidential site, off-site mitigation within the Town shall be required consistent with the requirements of Section 87-035(C)(7).
  - (7) If any specimen trees cannot be preserved, relocated, or mitigated on a nonagricultural/nonresidential site and off-site mitigation within the Town is not possible, then a fee-in-lieu equivalent to three times the retail value of each tree, plus installation costs shall be required for each specimen tree not preserved, relocated, or mitigated on the property or mitigated off-site. This fee shall be paid to the Town and used for the installation of specimen species trees on publicly-owned land within the Town, or sites on the list of approved native tree recipients maintained by the Town.
- (D) Agricultural requirements. All proposed agricultural development containing specimen trees shall be developed to incorporate specimen trees in place in the site design to the greatest extent possible. Agriculture uses are encouraged to incorporate existing specimen trees or mitigate for their removal.

Section 87-045. - Other jurisdiction approvals.

- (A) Prior to applying for a permit from the Town, the property owner must obtain all required permits and authorizations from external agencies having jurisdiction for the proposed work.
- (B) The property owner is subject to and must ensure compliance to the water quality rules and standards as set forth in Chapter 62.302, of the Florida Administrative Code (F.A.C.). When applicable, the property owner shall obtain a wetlands determination and any required environmental resource permit from the South Florida Water Management District or the Florida Department of Environmental Protection.

(Ord. No. 2019-03, § 3(Exh. B), 7-9-2019)

Section 87-050. - Appeals.

An applicant may appeal a final determination made by the Town Manager, or designee to the Town Council.

(Ord. No. 2019-03, § 3(Exh. B), 7-9-2019)

Section 87-055. - Enforcement.

- (A) Enforcement. Violations of this section shall be subject to enforcement procedures in Chapter 162, Florida Statutes, including code enforcement process, fines, and Special Magistrate, and supplemental Town code enforcement procedures. Additionally, violations may be subject to abatement procedures and/or may be subject to any other means of enforcement allowed by law, including Subsection (c) herein.
- (B) *Violations.* It shall be a violation of this section to remove any tree without first obtaining a tree removal permit or tree removal waiver from the Town unless expressly exempt under the provisions of Section 87-020.
  - (1) The removal of any tree, in violation of this section, shall constitute a separate violation. Each day a violation exists for such unlawful removal shall constitute a separate violation.
  - (2) Removal of each additional tree in violation of this section shall constitute a separate violation. Each day a violation exists for such unlawful removal shall constitute a separate violation.
- (C) Penalties. In addition to code enforcement and fines imposed through the process, the following may be applied to any violations of this Article.
  - (1) Native trees.
    - (a) Replacement. The violator shall be required to mitigate for the removed tree(s) pursuant to the provisions of Section 87-035 above. A tree restoration plan shall be submitted to the Town for review and approval. Once approved, the violator shall post a bond, letter of credit, or cash equivalent in an amount equivalent to the costs for implementing the tree restoration plan.
    - (b) *Mitigation*. Mitigation per Section 87-035(C)(6) shall be required.
    - (c) Suspension of review. If a tree restoration plan for unlawfully removed native trees is not approved and bonded within 30 days following notice of violation, the Town may suspend issuance of further permits for the property (including building permits, inspections, and Business Tax Receipts.

- (d) Liens. If, after 60 days of the notice of violation a tree restoration plan has not been approved and bonded, the Town may place a lien on the property in an amount equal to the sum of any unpaid fines and the reasonable costs for replacing and installing the unlawfully removed tree(s) on public property.
- (2) Specimen trees. The amount of the fines assessed in each Specimen Tree case shall be the maximum permitted by law.

Section 87-060. - Variation from minimum property development regulations.

In order to accommodate the preservation of native and specimen trees, the Town Council may provide the following incentives: (1) Waive up to 20 percent of a required property line setback standard on a nonresidential/nonagricultural land use which does not abut a residential land use; or (2) Waive up to ten percent of the required parking spaces, or permit a portion of the required standard spaces to be reduced in size, for nonagricultural/nonresidential development. If the applicant has requested a variance to either of these standards for other reasons, the decision to allow a further waiver for preservation purposes shall be made by the Town Council.

(Ord. No. 2019-03, § 3(Exh. B), 7-9-2019)

Select Year: 2022 ✔ Go

# The 2022 Florida Statutes

Title XI
COUNTY ORGANIZATION AND INTERGOVERNMENTAL
RELATIONS

<u>Chapter 163</u> INTERGOVERNMENTAL PROGRAMS View Entire Chapter

163.045 Tree pruning, trimming, or removal on residential property.—

- (1) For purposes of this section, the term:
- (a) "Documentation" means an onsite assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices Tree Risk Assessment, Second Edition (2017) by an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect and signed by the certified arborist or licensed landscape architect.
- (b) "Residential property" means a single-family, detached building located on a lot that is actively used for single-family residential purposes and that is either a conforming use or a legally recognized nonconforming use in accordance with the local jurisdiction's applicable land development regulations.
- (2) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner possesses documentation from an arborist certified by the ISA or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices Tree Risk Assessment, Second Edition (2017).
- (3) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.
- (4) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.

History. -s. 1, ch. 2019-155; s. 1, ch. 2022-121.

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# B. Specimen Tree Trunk DBH and Circumference Table

Common Tree	Scientific Name	Specimen Tr (in inch	
<u>Name</u>		<u>DBH</u>	Circumference
Bald Cypress	Taxodium distichum	<u>13</u>	<u>42</u>
FL Strangler Fig	Ficus aurea	<u>25</u>	<u>78</u>
Dahoon Holly	<u>Ilex cassine</u>	4	<u>13</u>
Green Buttonwood	Conocarpus erecta	<u>13</u>	<u>42</u>
Gumbo Limbo	Bursera simaruba	<u>13</u>	<u>41</u>
Laurel Oak	Quercus laurifolia	<u>17</u>	<u>56</u>
<u>Live Oak</u>	Quercus virginiana	<u>22</u>	<u>72</u>
<u>Mahogany</u>	Swietenia mahogani	<u>14</u>	<u>43</u>
Pond Cypress	Taxodium ascendens	<u>13</u>	<u>42</u>
Red Bay	Persea borbonia	<u>14</u>	<u>43</u>
Red Maple	Acer rubrum	<u>13</u>	<u>40</u>
Red Mulberry	Morus rubra	<u>13</u>	<u>43</u>
Sand Pine	Pinus clausa	8	<u>27</u>
<u>Seagrape</u>	Coccoloba uvifera	<u>10</u>	<u>32</u>
Slash Pine	Pinus elliott var. densa	<u>14</u>	<u>45</u>
Southern Red Cedar	Juniperus silicicola	21	<u>64</u>
Swamp Bay	Persea palustris	<u>14</u>	<u>43</u>
Sweet Bay	Magnolia virginiana	<u>12</u>	<u>38</u>

# LOXAHATCHEE GROVES PREFERRED PLANT LIST

### TREES:

**COMMON NAME:** 

**SCIENTIFIC NAME:** 

LIVE OAK

QUERCUS VIRGINIANA

JAPANESE FERN TREE

FILICIUM DECIPIENS

SILVER BUTTONWOOD

CONOGAGRUS ERECTUS SIRICEUS

LIGUSTRUM

LIGUSTRUM LUCIDIUM

WAX MYRTLE

MYRICA CERIFERA

SLASH PINE

PINUS ELIOTTI

CREPE MYRTLE

TAXODIUM DISTICHUM

**MAHOGANY** 

SWEETENA MAHOGONI

BALD CYRESS

TAXODIUM DISTIGHUM

ROYAL POINCIANA

**DELONIX REGIA** 

RED CEDAR

JUNIPERIUS VIRGINIANA

**PALMS:** 

**COMMON NAME:** 

**SCIENTIFIC NAME:** 

CABBAGE PALM

SABAL PALMETTO

FOXTAIL PALM

WODYETIA BIFURGATA

ARECA PALM

DYPSIS LUTECENS

BISMARK PALM

**B1SMARCKIA NOBILIS** 

PAULOTIS PALM

ACELLORRHAPHE WRIGHTII

**PYGMY DATE** 

PHEONIX ROEBELENII

WASHINGTONIA

WASHINGTONIA ROBUSTA

RIBBON PALM

LIVISTONIA DECORA

SAW PALMETTO

SERENGA REPENS

CHRISTMAS PALM

ADONIDIA MERRILLI

**CYADS:** 

**COMMON NAME:** 

**SCIENTIFIC NAME:** 

SAMIA FURFURACEA

SAMIA PUMILA

# **BUSH:**

**COMMON NAME:** 

**SCIENTIFIC NAME:** 

GREEN ISLAND FICUS

FICUS MICROCARPA

**PODOCARPUS** 

PODOGARPUS MACROPHYLLUS

RED TIP COCOPLUM

CHRYSOVALANUS ICACO

SIMPSON STOPPER

MYRCIAXSTHES FRAGRANS

JASMINE SIMP.

JASMINE VOLUBILE WAX JAS.

**VIGURNUM** 

VIBURNUM ODORATISSIMUM

**CROTON** 

**GROTON VARIEGATUM** 

FIREBUSH DWARF

HAMELIA PATENS COMPACTA

**GROUND COVER:** 

**COMMON NAME:** 

**SCIENTIFIC NAME:** 

LANTANA

PENTAS LANCEOLATA

LIRIOPE

Category I - Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.

Scientific Name	Common Name	Gov. list
1brus precatorius	rosary pea	N
Icacia auriculiformis	earleaf acacia	en men maneratulai seriari di dimendensi virusi kiku teranama (intidi kurian interio di mendegi atahkar
Albizia lebbeck	woman's tongue	The second secon
Ardisia crenata (=A. crenulata)	coral ardisia	AND AND THE REAL PROPERTY AND
Ardisia elliptica (=A. humilis)	shoebutton ardisia	N
Asparagus aethiopicus (= A. sprengeri; A. densiflorus misapplied)	asparagus-fern	nterestation of clock (A. C.
Bauhinia variegata	orchid tree	e dis espera de morre, sen al especia en estra el material en estra de la companya de la caractera
Bischofia javanica	bishopwood	
Calophyllum antillanum (=C. calaba; C. inophyllum misapplied)	santa maria (names "mast wood," "Alexandrian laurel" used in cultivation)	
Casuarina equisetifolia	Australian pine	P, N
Casuarina glauca	suckering Australian pine	P, N
Cinnamomum camphora	camphor-tree	
Colocasia esculenta	wild taro	
Colubrina asiatica	lather leaf	N
Cupaniopsis anacardioides	carrotwood	N
Dioscorea alata	winged yam	N
Dioscorea bulbifera	air-potato	N
Eichhornia crassipes	water-hyacinth	P
Eugenia uniflora	Surinam cherry	
Ficus microcarpa (F. nitida and F. retusa var. nitida misapplied)	laurel fig	
Hydrilla verticillata	hydrilla	P, U
Hygrophila polysperma	green hygro	P, U
Hymenachne amplexicaulis	West Indian marsh grass	
Imperata cylindrica (I. brasiliensis misapplied)	cogon grass	N, U
Jasminum dichotomum	Gold Coast jasmine	
Jasminum fluminense	Brazilian jasmine	
Lantana camara	lantana, shrub verbena	
Ligustrum sinense	Chinese privet, hedge privet	
Lonicera japonica	Japanese honeysuckle	
Ludwigia peruviana	Peruvian primrosewillow	
Lygodium japonicum	Japanese climbing fern	N
Lygodium microphyllum	Old World climbing fern	N
Macfadyena unguis-cati	cat's claw vine	
Manilkara zapota	sapodilla	
Melaleuca quinquenervia	melaleuca, paper bark	P, N, U
Mimosa pigra	catclaw mimosa	P, N, U

Town of Loxahatchee Groves Comprehensive Plan Adoption – February 2009

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Conservation Element Appendix 4-B

Appendix 4-B. Invasive Pest Plant Species

Nephrolepis cordifolia	sword fern	
Nephrolepis multiflora	Asian sword fern	
Neyraudia reynaudiana	Burma reed, cane grass	N
Paederia cruddasiana	sewer vine, onion vine	N
Paederia foetida	skunk vine	N
Panicum repens	torpedo grass	and and the annual transfer of the Control of the C
Pennisetum purpureum	Napier grass	
Pistia stratiotes	waterlettuce	P
Psidium cattleianum (=P. littorale)	strawberry guava	OCCUPACIONICA DE CONTRA DE CONT
Psidium guajava	guava	
Pueraria montana var. lobata (=P. lobata)	kudzu	N
Rhodomyrtus tomentosa	downy rose-myrtle	N
Rhynchelytrum repens	Natal grass	
Ruellia tweediana (= R. brittoniana)	Mexican petunia	
Sapium sebiferum (= Triadeca sebifera)	popcorn tree, Chinese tallow tree	N
Scaevola taccada (=Scaevola sericea, S. frutescens)	scaevola, half-flower, beach naupaka	N
Schefflera actinophylla (=Brassaia actinophylla)	schefflera, Queensland umbrella tree	
Schinus terebinthifolius	Brazilian pepper	P, N
Senna pendula var. glabrata (=Cassia coluteoides)	climbing cassia, Christmas cassia, Christmas senna	A PARAMETER STORE A CENTRAL STANDARD STANDARD STANDARD STANDARD STANDARD STANDARD STANDARD STANDARD STANDARD S
Solanum tampicense (=S. houstonii)	wetland night shade, aquatic soda apple	N, U
Solanum viarum	tropical soda apple	N, U
Syngonium podophyllum	arrowhead vine	ne de la companya de
Syzygium cumini	jambolan, Java plum	
Tectaria incisa	incised halberd fern	entende anno Martin. Martinia de martinia de compresa de Martinia de martina de Alexandra de Alexandra de Alex
Thespesia populnea	seaside mahoe	a ann an ann an agus Baillean a 1964 à ta dh'istiúid feoir an Argh an ceanaib mhliachtain an ceanaid d'ann agus amh a
Urochloa mutica ( = Brachiaria mutica)	Pará grass	nakinnya sa mini Matani Marii kani Pali Mannakin sakki mili Arusen asaan sakki terasakin asa asab

### **FUTURE LAND USE**

GOALS, OBJECTIVES, AND POLICIES (Rev: Ord. 2012-04; 2012-05; 2014-06; 2016-03; 2016-08; 2016-09; 2017-01; 2017-02; 2018-01)

GOAL I Loxahatchee Groves will continue to protect its natural environment and rural character in the midst of an urbanizing region. The Town will continue to be a rural residential and agricultural community that has a great respect for lifestyle choices balanced with historical community needs.

# 1.1A Objective:

The Town shall protect its rural character by maintaining Okeechobee Boulevard as a two-lane section.

- 1.1A.1 Policy: In order to maintain the two-lane section, the Town shall support implementation of the following Okeechobee Boulevard improvements:
  - a) Expansion to a two-lane divided median enhanced rural parkway with properly-spaced left-turn lanes.
  - b) Traffic calming features, to include but not limited to roundabouts at the Letter Road intersections with Okeechobee Boulevard.
  - c) Implementation and enforcement of reduced speed limits.
- 1.1A.2. Policy: On an annual basis, work with Palm Beach County to incorporate future roadway improvements that implement the Town's Okeechobee Boulevard planning policy within the Five-Year Transportation Improvement Program (TIP). In this regard, the Town Council shall be represented at Metropolitan Planning Organization (MPO) meetings in preparation of the TIP.

# 1.1A.3. Policy:

To provide a center of accessible shopping, recreation, and employment opportunities for Loxahatchee Groves' residents, the Town shall create a rural-style commercial center along the Southern Boulevard corridor

### 1.1B Objective:

The Town shall designate future land uses with appropriate uses, densities and intensities that will protect residential and agricultural land uses and encourage limited economic development.

### 1.1B.1 Policy:

Land use shall be determined by a Future Land Use Map.

# 1.1B.2 Policy:

The Town shall regulate density and intensity of land uses as noted in Table 1-8.

### 1.1B.3 Policy:

The Town shall ensure that future land use designations are compatible with adjacent land uses within and outside of the Town boundary.

### 1.1.B.4Policy:

Land development regulations will, at a minimum:

- a) Regulate the subdivision of land;
- b) Regulate the use of land and water consistent with this Comprehensive Plan and ensure the compatibility of adjacent land uses and provide for open space;
- c) Regulate areas subject to seasonal and periodic flooding and provide for drainage and storm water management;
- d) Protect potable water wellfields and aquifer recharge areas;
- Regulate the placement, size and design of signs in the zoning code in order to enhance local businesses and prevent sign pollution;
- f) Ensure safe and convenient on-site traffic flow and vehicle parking needs; and
- g) Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan.
- h) Create codes allowing diverse low impact home-based businesses.
- i) Establish codes to regulate uses that create large scale places of assembly.
- Buffer residential uses from non-residential uses using mechanisms to promote and enhance the rural natural environment.
- k) Direct future commercial low and commercial low office development to the Southern Boulevard corridor.

### 1.1B.5 Policy:

In reviewing applications for development permits, the Town shall consider all relevant factors, including but not limited to, consistency and compatibility with the Future Land Use Element of the Comprehensive Plan, together with all other Comprehensive Plan elements. The Town shall also consider compatibility with adjacent

zoning, approved plats and existing land uses, including occupied residential areas.

### 1.1.B.6 Policy:

The Town shall encourage the use of innovative land development regulations that enhance the rural atmosphere, reduce energy usage, reduce greenhouse gas emissions.

### 1.1.B.7 Policy:

The Town will discourage and assess potential for urban sprawl in formal review of development proposals utilizing criteria in Rule 9J-5.006(5)(g). F.A.C.

## 1.1.B.8 Policy:

The Town shall continue to maintain the rural zoning regulations for areas designated Rural Residential in order to protect and preserve the rural communities of present and future residents of these areas. The regulations shall, at a minimum:

- 1. Retain an agricultural/residential zoning category and the agricultural uses permitted by the land development code;
- 2. Provide for zoning districts, which appropriately accommodate residential and/or agricultural uses, which are consistent with the Rural Residential Future Land Use designation;
- Provide assurances that allowed agricultural uses shall be compatible with a rural residential neighborhood in the land development code;
- 4. Guarantee the keeping of livestock;
- Maintain specific regulations to restrict the types of nonresidential and nonagricultural uses allowed and promote the rural character through design,
- 6. Allow home occupation uses that will not degrade the rural character of the area:
- Include provisions for legal non-conforming agricultural uses consistent with this Plan, while not violating the Right-to-Farm Act; and
- Include provisions that: encourage maximizing the preservation of open space and protection of native vegetation and tree canopy in front, rear, and side yards; preserve environmental systems; protect wildlife; and, retain the rural character.

# 1.1B.9 Policy:

Define accessory uses while recognizing the protections provided in the Right to Farm Act and minimize adverse impacts on neighboring properties including the use of Best Management Practices where available.

# 1.<u>1B</u>.10 Policy:

The Town shall investigate a special tax valuation for properties that have a Conservation land use and when the land is dedicated to natural resource protection by December 2010.

# 1.1B<u>.</u>11 Policy:

The Town shall regulate in the land development code accessory dwelling units, caretaker quarters, and groom's quarters.

- a. The Town shall allow accessory dwelling units limited to one bedroom and one bathroom.
- b. Caretaker quarters shall be allowed on parcels with bona fide agricultural uses.
- c. Groom's quarters shall be allowed on parcels where there are equestrian uses.

### 1.1B.12 Policy:

The Town shall base all future land use decisions upon and consistent with the adopted Comprehensive Plan.

# 1.1B.13 Policy:

Town will adopt and enforce a set of land development regulations that are consistent with and implement the Town's Comprehensive Plan within one year of adoption of the Comprehensive Plan and submit them to DCA for review.

### 1.1B.14: Policy:

The Multiple Land Use (MLU) land use designation may be assigned to parcels which are planned to incorporate more than one land use category within a unified plan of development in order to implement Comprehensive Plan directives, including: promotion of sustainable living concepts, preservation of the natural environment, joint traffic impacts assessment; encouragement of alternative transportation modes and economic growth, and mitigation of potential adverse impacts to surrounding areas. In order to be approved by the Town for an MLU designation, a parcel of land shall meet the following criteria:

- a. Minimum Parcel Size: 50 acres.
- b. Road Frontage and Primary Access: A minimum of 1,000 linear feet on an arterial roadway, as defined on Map TRN 2.3 of the Comprehensive Plan.
- c. Maximum Parcel Depth From Road Frontage: 2,000 linear feet.
- d. Mix of Land Uses: Each parcel assigned an MLU land use designation shall contain a combination of three (3) or more land uses from those listed in Table 1-8.

- e. Development Intensity: The maximum aggregate development potential for an MLU-designated parcel shall be determined by multiplying the acreage of each included land use category by its intensity, as defined in Table 1-8, and summing the result. However, based upon the infrastructure impact assessments performed during the approval process, or voluntarily by an applicant, development potential may be limited by the Town Council.
- f. Conditions of Approval: Any conditions of approval limiting development intensity of an MLU, or other conditions deemed necessary to implement Comprehensive Plan directives shall be stated in the form of Special Policies under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan.
- g. Future Land Use Map: Each parcel of land with an approved MLU land use designation shall be so indicated on the Future Land Use Map, along with notes referring to conditions of approval enacted by special policy under Objective 1.15 of the Future Land Use Element.

**Table 1-8 Future Land Uses** 

Land Use Category	Density	Intensity (Maximum Floor Area Ratio)	Uses
RESIDENTIAL			
Rural Residential 5 (RR-5)	1 du/5 acres	0.15 (non-residential uses only)	Single-family dwelling units and agricultural uses.  Agricultural uses shall be compatible with a rural residential neighborhood.
COMMERCIAL			
Commercial Low Uses (CL)		0.10	A limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential areas. Limited institutional and public facilities allowed.
Commercial Office Uses - Commercial Low (CL-O)		0.20	Offices for administrative, professional and business purposes; banking and financial institutions; membership organizations; and, uses that are accessory to the office use including restaurants. Limited institutional and public facilities allowed.
INSTITUTIONAL			
Institutional and Public Facilities (INST)		0.10	Uses permitted in the Institutional and Public Facilities future land use designation include a full range of regional and community uses such as educational; child care facilities and adult day care facilities: congregate living facilities; medical and accessory offices; hospitals, public health clinics, emergency shelters; governmental, religious, cemetery, civic, cultural, judicial and caretakers' quarters.

PARKS AND RECREATION			
Parks and Recreation (PARK)		0.10	Developed or planned sites owned by a governmental entity that provide the public an opportunity to partake in a variety of recreational activities that may be active, passive, or special in nature in a safe and convenient manner that is compatible with its environs.
CONSERVATION			
Conservation (CON)		0.05	Natural areas for the purpose of conserving or protecting natural resources or environmental quality. These areas may be used for wildlife management, passive recreation, and environmental restoration/ preservation. The Town shall designate lands which contain natural resources that are to be protected, restored, enhanced, and managed, as appropriate, to sustain viable ecosystems and wildlife habitat and natural resources. These natural areas may include site improvements to support uses which are deemed appropriate and consistent with the function of the designated area.
MULTIPLE LAND USE			
Multiple Land Use (MLU)	Ref: Policy		Parcels planned to incorporate multiple Town land use categories, as defined herein, within a unified development concept. Uses may vary from parcel to parcel, depending upon the approved mix of Town land use categories incorporated therein, consistent with Policy 1.1.14 and site specific policies, per Objective 1.15.
	1.1B.14	Ref: Policy 1.1.B.14	

*Notes:* 1. The density calculation for a property is based on the property's gross acreage.2. That portion of a property dedicated for right-of-way in exchange for compensation may not subsequently be included with the parent property or another property for the purpose of a density or intensity calculation.

# 1.2 Objective:

Development of a rural style commercial center shall be limited to the Southern Boulevard Corridor.

### 1.2.1 Policy:

The Town shall limit new commercial development to areas south of East Citrus Road border to border.

# 1.2.2 Policy

The Town shall examine a special taxing district for non-residential uses south East Citrus Road East border to border by December 2010.

# 1.2.3 Policy:

The Town shall endorse a substantial equestrian facility along the Southern Boulevard Corridor.

### 1.2.4 Policy:

The Town shall consider extension of Tangerine Drive from the equivalent of 161st Terrace to E Road.

### 1.3 Objective:

The Town shall strive to encourage a rural community design and look.

# 1.3.1 Policy:

The Town shall adopt an ordinance for non-residential development that reflects and updates the Rural Vista Guidelines by January 2010.

### 1.4 Objective:

The Town shall effectively manage and monitor development and redevelopment to assure that facilities and services meet adopted levels of service.

### 1.4.1 Policy:

Development orders and permits will be conditioned on the availability of the facilities and services necessary to serve the proposed development.

# 1.4.2 Policy:

Land use regulations shall require that facilities and services meet the established level of service standards and are available concurrent with the impacts of development.

### 1.4.3 Policy:

Providers of public facilities must be able to authorize service to the various land uses at the same time as the land uses are permitted.

### 1.4.4 Policy:

Ensure that new development bears a proportionate fair share of the cost for public facility improvements needed to accommodate the impacts of new development by utilizing a variety of mechanisms to access and collect impact fees, dedications and/or contributions from private development.

### 1.4.5 Policy:

Ensure the availability of suitable land for utility facilities necessary to support proposed developments.

# 1.5 Objective:

The Town shall specify the land use categories in which public schools are an allowable use.

# 1.5.1 Policy:

The Town shall allow public schools as a permitted use subject to special exception approval by the Town Council in the Institutional and Public Facilities (INST) future land use category. In any event, Special Policy 1.15.4 of the Future Land Use Element shall be interpreted as the Palm Beach State College property remaining a lawful use and not transformed to a nonconforming use by virtue of any amendment to the permitted uses in the Rural Residential 5 (RR 5) Land Use Category or the Town's Unified Land Development Code (ULDC).

### 1.5.2 Policy:

To the extent possible, the Town shall support the collocation of school sites with public facilities such as parks, libraries, and community centers.

### 1.6 Objective:

The Town shall maintain an emergency management plan to reduce or eliminate the exposure of human life and public and private property to natural hazards.

### 1.6.1 Policy:

The Town shall prepare a Comprehensive Emergency Management Plan to ensure that actions needed to protect the public health and safety shall receive first priority in emergency permitting decisions by March 2009.

### 1.6.2 Policy:

The Town shall coordinate their Comprehensive Emergency Management Plan with the County Emergency Management Office for compliance with the County Emergency Management Plan.

# 1.6.3 Policy:

The Town shall ensure level of service standards for public facilities are returned to pre-storm levels as soon as possible after a storm event.

### 1.6.4 Policy:

The Town shall prepare a post-disaster redevelopment plan by December 2010.

# 1.7 Objective:

Provide identification, protection and awareness of historic resources in order to preserve the Town's unique history.

### 1.7.1 Policy:

The Town of Loxahatchee Groves shall identify opportunities to exhibit Town history in future Town facilities, greenways and equestrian trails, and within parks located within the Town.

### 1.7.2 Policy:

The Town shall coordinate historic resource protection activities, procedures and programs with applicable state and federal laws, policies and guidelines.

### 1.7.3 Policy:

The Town shall undertake a survey of historic properties by 2011.

### 1.8 Objective:

The Town shall monitor and protect natural resources in accord with the goals, objectives and policies in the Conservation Element.

### 1.8.1 Policy:

The Town shall require approval from all applicable external agencies regarding the protection of environmentally sensitive habitats.

# 1.9 Objective:

Protect the quality and quantity of the Town's potable water supply by limiting activities and land uses within the wellfield areas.

### 1.9.1 Policy:

New septic tank systems shall meet applicable state standards for permitting.

### 1.10 Objective:

Minimize flooding problems by coordinating future land uses with topographic, drainage and stormwater management systems and appropriate development codes and regulations.

### 1.10.1 Policy:

Town development codes shall contain floodplain protection provisions consistent with the criteria and mapping of the Federal Emergency Management Administration.

### 1.10.2 Policy:

Through the land development code, public roads and parking lots shall be designed consistent with the criteria of the Loxahatchee Groves Water Control District and the South Florida Water Management District.

# 1.10.3 Policy:

New development shall coordinate with the South Florida Water Management District, the Loxahatchee Groves Water Control District and appropriate agencies in Palm Beach County to provide consistency with water management regulations.

# 1.11 Objective:

The Town shall work towards the elimination of existing land uses which are inconsistent with the Town's development pattern and not compatible with the proposed future land uses.

### 1.11.1 Policy:

Inconsistent uses are hereby defined as any uses which are located on a site where they would not be permitted by this comprehensive plan.

### 1.11.2 Policy:

The Town shall adopt and maintain land development regulations which protect the rights of property owners to continue non-conforming uses, but which, at a minimum, provide for the termination of such rights upon the abandonment of a non-conforming use for an extended period of time.

### 1.11.3 Policy:

Uses that Are Non-Conforming Due to Density. Existing legally permitted and constructed structures as of the date of adoption of the comprehensive plan may remain. If the legally permitted structure is damaged, destroyed or redeveloped so as to require substantial improvement, it may be repaired, replaced or restored to the same density, provided that the development is brought into compliance with all other applicable codes and regulations.

### 1.11.4 Policy:

Owners of non-conforming lots of record that were legally established prior to the date of incorporation may construct one single family home on their lot.

### 1.11.5 Policy:

Existing naturist recreational vehicle park which includes private club and accessory recreational facilities legally established prior to the date of incorporation may remain.

1.12 Objective: The Town shall consider changes to the future land use plan based upon energy-efficient land use patterns and discouragement of sprawl accounting for existing and future energy electric power generation and transmission systems.

### 1.12.1 Policy:

The Town shall ensure the Town's comprehensive plan and land development code does not prevent the construction of electric substations within the Town.

### 1.12.2 Policy:

The land development code shall allow for use of alternate, renewable sources of energy including the use of solar panels.

# 1.12.3. Policy: Reserved1.12.4 Policy:

The Town shall continue to allow home based businesses to the extent that impacts are compatible with an agricultural/residential community.

### 1.12.5 Policy:

The Town will strive to reduce greenhouse gas emissions by reducing traffic congestion and air pollution. The Town will promote alternative forms of transportation by solidifying a greenways/equestrian trail plan and cooperating with Palm Beach County for new and improved transit. The Town will also plan internal roadways and cross access between parcels that will allow for more efficient travel.

# 1.12.6 Policy:

The Town shall ensure development and redevelopment is transit-ready along major transportation corridors.

1.13 Objective: The Town shall implement greenhouse gas reduction strategies.

### 1.13.1 Policy:

The Town shall educate residents on home energy reduction strategies.

# 1.13.2 Policy:

The Town shall educate residents, business owners and farmworkers on the cost and environmental effects of automobile idling.

### 1.13.3 Policy:

The Town shall encourage and educate the public in the planting and maintenance of trees and provide public education on the placement of canopy trees and other landscape materials to strategically provide shade and reduce energy consumption.

### 1.13.4 Policy:

The Town shall continue to reduce the heat island effect by supporting sustainable agricultural uses and practices with in the Town such as Department of Agriculture Best Management Practices.

# 1.13.5 Policy:

The Town shall continue to require open space and pervious surface areas in development and redevelopment.

### 1.13.6 Policy:

The Town shall amend the land development regulations to adopt specific standards and strategies that address greenhouse gas emissions, energy efficient housing, and overall energy conservation within one year of adoption of the Comprehensive Plan.

1.14 Objective: The Town shall encourage the redevelopment and renewal of blighted areas in order to ensure stability of the community as needed.

### Policy 1.14.1:

Establish administrative procedures to require rehabilitation and/or demolition of housing, if necessary, following a natural disaster or if a dwelling unit is damaged by fire beyond repair.

### Policy 1.14.2:

At the time of each required Evaluation and Appraisal Report, evaluate the need to designate any housing structures as locally historically significant and in need of special consideration under the provisions and criteria cited in the Standard Housing Code.

- 1.15 Objective: Special land use policies may be adopted by Loxahatchee Groves when necessary to address site-specific issues related to implementing the Loxahatchee Groves Comprehensive Plan and its special planning studies.
- 1.15.1 Special Policy 1.15.1: Reserved.
- 1.15.2 Special Policy:
  - (1) Land use and density/intensity of development on the property delineated as "Special Policy 1.15.2" on the Future Land Use Map, Map # FLU -1.10, shall be regulated by the application of the Multiple Land Use (MLU) land use category, and the following criteria: Commercial Low (CL) Maximum of 34.34 acres/ 103,000 sq. ft. of retail commercial space; Commercial Low Office Maximum of 16.0 acres/44,000 sq. ft. of professional and medical office commercial space; and Institutional Minimum of 40.0 acres/Maximum of 128 congregate living beds.
  - (2) A 300 foot wide buffer shall be incorporated in the master plan along that portion of the MLU adjacent to the Collecting Canal.

# 1.15.3 Special Policy:

Land use and intensity of development on the property delineated "Special Policy 1.15.3" on the Future Land Use Map, Map # FLU -1.10, shall be regulated by the application of the following: (a) The applicant shall record a Deed Restriction which shall provide that the Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.074 in order to accommodate a maximum of 30,000 sq. ft. of commercial low intensity uses; and (b) this restriction shall automatically increase to whatever F.A.R. may be subsequently granted by the Town Council to any other Commercial Low designated property fronting on Okeechobee Boulevard and lying within the Town limits.

(1). A Conceptual Site Plan reflecting the 0.074 F.A.R. shall be approved as part of the initial rezoning approval. Subject to potential future F.A.R. increases permitted by Special Policy 1.15.3(b), development uses, access and intensity—shall be consistent with the Conceptual Site Plan.

2). Any increase in development intensity above a 0.074 F.A.R., as permitted in Special Policy 1.15.3(b), shall be processed through the Town's site plan or site plan amendment approval process, as appropriate.

### 1.15.4 Special Policy:

Development on the Palm Beach State College Property delineated as "Special Policy 1.15.4" on the Future Land Use Map, Map # FLU-1.10, shall be regulated by the following criteria:

- (1) Policy 1.15.4-a: Development of the property shall be governed only by the following regulations:
  - a. SREF- State Requirements for Educational Facilities as adopted in Rule 6A-2.0010
  - b. Florida Building Code
  - c. Florida Fire Prevention Code
  - d. South Florida Water Management District
  - e. Loxahatchee Groves Water Control District
- (2) Policy 1.15.4-b: A "Master Site Development Plan" providing the following information for the overall site shall be submitted to the Town for approval prior to issuance of the first building permit:
  - a Site Acreage
  - b. Site boundaries clearly identified, and ties to section corners.
  - c. Existing and proposed land uses and existing uses on adjacent land.
  - d. Generalized location of development areas and uses.
  - e. Indication of vehicular connections to public rights-of-way.
  - f. A valid Conceptual Driveway Permit approval from the Florida Department of Transportation issued pursuant to the "State Highway System Access Management Classification System and Standards", as amended.
  - g. Design Guidelines to be consistent with the intentions of the Town's Rural Vista Guidelines as can be applied to a college campus.
  - h. All adjacent public and private rights-of-way and easements, indication of ultimate right-of-way line, centerline, width, pavement width, existing and proposed median cuts and intersections, street light poles and other utility facilities and easements.
  - i. Indication of existing native vegetation that will be preserved.
  - j. A detail of the proposed buffer for screening along the northern boundary, including addressing removal of invasive vegetation and replanting.

k. Site Data, including the maximum intensity permitted on site.

(3) Policy 1.15.4-c: A copy of the "Campus Master Plan" prepared pursuant to State Requirements for Educational Facilities as adopted in Rule 6A- 2.0010 and all future 5-year updates shall be submitted to the Town of Loxahatchee Groves for informational purposes. The 5 - year updates to the "Campus Master Plan" shall be submitted to the Town of Loxahatchee Groves for informational purposes prior to submission of the Plan to the Department of Education. During the development of the Educational Plant Survey and the Campus Master Plan, the Town shall be given the opportunity to raise any issues or concerns with the Plan for consideration by the College.

1.15.5 Special Policy: RESERVED

# 1.15.6 Special Policy:

The existing veterinary clinic use for the treatment of small and large animals on the property delineated as "Special Policy 1.15.6" on the Future Land Use Map, Map #FLU-1.10, is determined to be legal and conforming to the Loxahatchee Groves Unified Land Development Code (ULDC) and may expand subject to the land development regulations therein, provided that the on-site care and treatment of Class I and Class II wildlife, as defined in Florida Administrative Code Section 68A-6.002(1), is prohibited.

# 1.15.7: Special Policy:

Properties within the area defined by the following features, where a planned mixture of non-residential land use designations currently predominates, may apply for a change in land use to a MLU, CL, CLO, INST or CON Future Land Use designation: Collecting Canal (north), Southern Boulevard (south), "C" Road (east), and "B" Road (west).



### 155 F Road Loxahatchee Groves, FL 33470

Agenda Item #8

**TO:** Mayor and Councilmembers

FROM: Francine Ramaglia, Town Manager

**DATE:** November 15, 2022

SUBJECT: Approval of Resolution No. 2022-83 Authorizing Interlocal Agreement with

**Indian Trails Improvement District for Emergency Response** 

### **Background:**

The Indian Trails Improvement District (ITID) agreed to provide emergency response and assistance to the Town due to its location and greater resources such as heavy equipment, skilled and experience staffing with extensive knowledge of drainage facilities and ability to perform emergency repair and replacement as needed. ITID will provide such assistance during and after storm events and other declared local and state emergencies to include, but not be limited to, the following:

- Clearing debris from roads and canals for safe travel and flow of water;
- Assisting with damage assessment;
- Repairing washouts;
- Repairing and replacing culverts;
- Responding to calls from Palm Beach County Fire Rescue.

This agreement was entered into by the Town Manager and ITID's Chief Executive Officer on an emergency basis prior to the recent storm. This agenda items seeks to ratify that action.

**Recommendations**: Move to approve *Resolution No. 2022-83* authorizing Interlocal Agreement with Indian Trails Improvement District for Emergency Response

### **RESOLUTION NO. 2022-83**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RATIFYING THE ENTRY BY THE TOWN INTO AN INTERLOCAL AGREEMENT WITH INDIAN TRAIL IMPROVEMENT DISTRICT FOR EMERGENCY AID AND ASSISTANCE: AUTHORIZING THE **TOWN** MANAGER EXECUTE THE INTERLOCAL AGREEMENT; AUTHORIZING THE TOWN MANAGER AND THE TOWN ATTORNEY TO TAKE SUCH ARE **NECESSARY** AS TO **IMPLEMENT** RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.01, Florida Statutes, authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, Indian Trail Improvement District (District) is close in proximity and employs staff that is skilled and knowledgeable in the operation of heavy equipment and the repair and replacement of drainage facilities; and

**WHEREAS,** the Town and the District desire to enter into an Interlocal Agreement for the emergency aid and assistance; and

WHEREAS, in anticipation of tropical storm/hurricane Nicole, the Town Manager and District Manager executed such Interlocal Agreement; and

**WHEREAS**, the Town Council finds it is in the best interest of the Town of Loxahatchee Groves to enter into the Interlocal Agreement with Indian Trail Improvement District.

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. <u>Section 2</u>. The Town Council of the Town of Loxahatchee Groves hereby ratifies the Interlocal Agreement with Indian Trail Improvement District, attached hereto as Exhibit "A". The Town Manager is authorized to execute the Interlocal Agreement. The Town Manager and Town Attorney are authorized to take such actions as are necessary to implement this Resolution. Section 3. 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> Nay Absent ROBERT SHORR, MAYOR LAURA DANOWSKI, VICE MAYOR MARGARET HERZOG, COUNCILMEMBER MARIANNE MILES, COUNCILMEMBER PHILLIS MANIGLIA, COUNCILMEMEBER ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS DAY OF , 2022. TOWN OF LOXAHATCHEE GROVES, **FLORIDA** ATTEST: Mayor Robert Shorr

Lakisha Burch, Town Clerk	Vice Mayor Laura Danowski
APPROVED AS TO LEGAL FORM:	Councilmember Margaret Herzog
Office of the Town Attorney	Councilmember Marianne Miles
	Councilmember Phillis Maniglia

# TOWN OF LOXAHATCHEE GROVES, FLORIDA

### **AND**

# INDIAN TRAIL IMPROVEMENT DISTRICT EMERGENCY AID AND ASSISTANCE INTERLOCAL AGREEMENT

**WHEREAS**, the Town of Loxahatchee Groves, Florida (Town), a municipality of the State of Florida, and Indian Trail Improvement District (District), an independent special district organized under the laws of the State of Florida, are public bodies authorized to enter into interlocal agreements pursuant to Section 163.01, F.S.; and

**WHEREAS**, the Town and the District are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid to adequately respond to storm events and other declared emergencies pursuant to Section 252.38, F.S.; and

**WHEREAS**, the Town and the District have staff that is skilled and knowledgeable in the operation of heavy equipment and repair and replacement of drainage facilities; and

**WHEREAS**, the Town and the District desire to provide mutual aid, voluntary cooperation and assistance in storm events and other declared emergencies.

# NOW, THEREFORE, THE TOWN AND THE DISTRICT AGREE AS FOLLOWS:

- 1. The Town and the District agree to provide mutual aid, voluntary cooperation and assistance during and after storm events and other declared local and state emergencies to include, but not be limited to, the following:
  - a. Clearing debris from roads and canals for safe travel and flow of water;
  - b. Assisting with damage assessment;
  - c. Repairing washouts;
  - d. Repairing and replacing culverts;
  - e. Responding to calls from Palm Beach County Fire Rescue.
- 2. Neither party shall be responsible for nor shall they provide aid or assistance as follows:
  - a. In the adjustment, repair, or operation of the other party's pumps or drainage gates;
  - b. In unsafe conditions (where wind gusts are 50mph or higher).
- 3. In the event that either party is in need of assistance as set forth herein, such party shall notify the other party. Notification may be verbal or in writing. Notification of a potential need is desirable prior to the storm event or impact of any other designated emergency. Notice of the actual need for assistance shall be coordinated with the other party prior to the employee crews receiving assignments and sent into the field for the day. The Manager of the entity providing assistance shall evaluate the situation and available resources and

will respond in a manner he or she deems appropriate. Neither party shall be required to deplete unreasonably its own personnel, equipment, resources, facilities, and services in furnishing such assistance.

- 4. The Manager of the requesting party may determine who is authorized to lend assistance within his or her jurisdiction, for how long such assistance is authorized and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates.
- 5. The personnel and equipment that are assigned by the assisting party shall be under the immediate command of a designated supervisor of the assisting party, who shall be under the direct supervision and command of the Manager of the requesting party.
- 6. When providing assistance, the assisting party shall keep records related to the assistance provided in the manner required by FEMA for emergency response reimbursement and will provide such records to the requesting party at the end of each day assistance is provided.
- 7. Whenever an employee is rendering assistance pursuant to this Agreement, the employee shall abide by and be subject to the rules and regulations, personnel policies, and standard operating procedures of his or her own employer. If any such rule, regulation, policy or procedure is contradicted, contravened or otherwise in conflict with direction from the Manager of the party requesting assistance, then such rule, regulation, policy or procedure shall control and shall supersede the direction.
- 8. In the event of any storm event and other declared local and state emergency, the District agrees to unlock the access gate between the Town and the District located at 40<sup>th</sup> and 140<sup>th</sup>.
- 9. Whenever there is cause to believe that a complaint has arisen as a result of a cooperative effort as it may pertain to this Agreement, the Manager of the requesting party shall be responsible for the documentation and investigation of said complaint. If it is determined the accused is an employee of the assisting party, the documentation gathered shall be forwarded to the Manager of the assisting party.
- 10. Each party agrees to be responsible for the acts, omissions, or conduct of its employees while engaged in in rendering assistance under this Agreement, subject to the limitations of Section 768.28, F.S.
- 11. If equipment is furnished by the assisting party, the assisting party will bear the cost of loss or damage to that equipment and pay any expense incurred in the operation and maintenance of that equipment.

- 12. The assisting party shall compensate its employees during the provision of assistance under this Agreement shall compensate its employees, including benefits including any amounts due or pain for compensation due to personal injury or death sustained by such employee while rendering assistance.
- 13. Nothing herein is intended to nor shall create an agency relationship between the parties.
- 14. Either party may terminate this Agreement upon thirty (30) days prior written notice to the other party.
- 15. The preparation of this Agreement has been a joint effort of the parties, and the resulting document shall not be construed more severely against one of the parties than the other.
- 16. If any term or provision of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such terms or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.
- 17. As provided in F.S. 287.132-133, as may be amended from time to time, by entering into this Agreement or performing any work in furtherance hereof, each party shall have its consultants and contractors certify that they and their affiliates, suppliers and sub consultants who will perform hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within thirty-six (36) months immediately preceding the date hereof. This notice is required by F.S. 287.133 (3) (a).
- 18. As provided in F.S. 287.135, as may be amended from time to time, by entering into this Agreement or performing any work in furtherance hereof, each party shall have its consultants and contractors certify that they are not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, that they do not have business operations in Cuba or Syria, and that they are not participating in a boycott of Israel.
- 19. By entering into this Agreement or performing any work in furtherance hereof, each party shall notify its consultants and contractors of the obligations to register with and use E-Verify pursuant to, and the consequences of violating, F.S. 448.095, as may be amended from time to time.
- 20. A copy of this Agreement shall be filed by the Town with the Clerk of the Circuit Court in and for Palm Beach County, Florida.

**IN WITNESS WHEREOF**, the parties hereto cause these presents to be signed on the date specified.

TOWN:	DISTRICT:
Francine Ramaglia	Burgess Hanson
Town Manager	District Manager
Date:	Date:
Approved as to form and legal	Approved as to form and legal
sufficiency:	sufficiency:
Office of the Town Attorney	District Attorney