

TOWN OF LOXAHATCHEE GROVES
Town Hall Council Chambers
TOWN COUNCIL REGULAR MEETING
AGENDA

MARCH 16, 2021 – 7:00 – 10:30 P.M.

Palm Beach County entered modified “Phase-3” Covid-19 public protocols, limited public audience can be accommodated in Town Hall (currently a max 12-person audience w/mandatory facemasks, social distancing, first come seating). Public comment is also accepted by writing the Clerk’s office. This meeting will be streamed and close-captioned as normal, access instructions posted on website.



Lisa El-Ramey, Mayor (Seat 3)

Phillis Maniglia, Councilmember (Seat 1)

Laura Danowski, Councilmember (Seat 2)

Robert Shorr, Councilmember (Seat 4)

Marge Herzog, Vice Mayor (Seat 5)

Administration

Town Manager, James S. Titcomb
Assistant Town Manager, Francine L. Ramaglia
Town Attorney, James Brako, 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's why we say "Character Counts" in Town of Loxahatchee Groves. Civility is practiced at all Town meetings.

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

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

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

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

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL

ADDITIONS/DELETIONS/MODIFICATIONS TO THE AGENDA

SWEARING IN OF NEW COUNCILMEMBERS

Town Charter Section 2 (2)(a): The council, at its first regular meeting after the fourth Tuesday of each March, shall elect from its members a mayor who shall serve for a period of 1 year and who shall have the same legislative powers and duties as any other council member.

Section 2(3)(a) The council, at its first regular meeting after the fourth Tuesday of each March, shall elect from its members a vice mayor who shall serve for a period of 1 year and who shall have the same legislative powers and duties while serving as any other council member.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Palm Beach County entered “Phase-3” Covid-19 protocols, a limited public audience can be accommodated of up to 12-persons in audience, mandatory masks, social distancing, first come seating). 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” and acknowledged as part of the official public record for indicated meeting. The Town Council meeting will be live-streamed and close-captioned for the public via our website.

PRESENTATION

1. Presentation from Florida Power & Light (FPL) underground power lines.

PUBLIC HEARING

2. Approval of Second Reading of Ordinance No. 2020-07 amending its Unified Land Development Code by amending Part II “Zoning Districts”, Article 20 “Residential Zoning Districts” by enacting Section 20-050 “Recreational Vehicles”; amending Article 175 “Floodplain Management”, Division XV “Recreational Vehicles and Park Trailers”.
3. Approval of Second Reading of Ordinance No. 2020-08 amending Chapter 30 “Nuisances”, Article I “In General”; amending Chapter 38 “Solid Waste”, Article III “Collection of Waste; Franchises and Registration of Contractors authorized”, Section 38.59 “Collection of Waste; Franchises and Registration of Contractors authorized” to modify and clarify the regulations regarding Nuisances related to imminent public health treats and the obstruction of roadways.

REGULAR AGENDA

4. Approval of Resolution No. 2021-09 approving the Groves Medical Plaza Conditional Use and Site Plan Amendment, for land owned by Groves Medical Plaza LLC, consisting of 3.43 acres more or less, located at the Northeast Corner of Southern Blvd. and “F” Road.
5. Discussion and Update on “Dirt Glue” solution for North “B” Road.

TOWN COUNCILMEMBERS COMMENTS

TOWN STAFF COMMENTS

Town Manager

Town Attorney

Public Works

ADJOURNMENT

Comment Cards:

Note public comment rules are modified during the COVID-19 pandemic, see above.

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.

Agenda Item # 1

TO: Town Council of Town of Loxahatchee Groves
FROM: James Titcomb, Town Manager
DATE: March 16, 2021
SUBJECT: Presentations from FPL re Underground Project

Representatives from FPL will present an overview of their underground project within the Town.

Agenda Item # 2

TO: Town Council of Town of Loxahatchee Groves

FROM: James Brako, Town Attorney

VIA: James Titcomb, Town Manager

DATE: March 16, 2021

SUBJECT: Approval of Ordinance No. 2020-07 “Recreational Vehicles”

Background:

The Town Council considered adoption of Ordinance No. 2020-07 on first reading at its October 20, 2020 and November 3, 2020 council meetings. After council discussion, direction was given to continue this item and request the Town’s ULDC committee to review and provide recommendations to the proposed ordinance. Therefore, this ordinance is being presented again for first reading at this time.

All of the proposed changes are as follows:

- “Agricultural structures” and “housekeeping” have been deleted from Sec. 20-050(a).
- No recreational vehicles will be allowed on parcels less than one (1) one acre; one (1) recreational vehicle shall be allowed on parcels consisting of one (1) acre and less than two (2) acres; a maximum of two (2) recreational vehicles shall be allowed on parcels consisting of 2 acres and less than ten (10) acres; and no more than four (4) recreational vehicles shall be allowed on parcels consisting of ten (10) acres or more.
- 25’ setbacks are required from “all” property lines.
- Inclusion of language authorizing use of portable/pump-able septic tanks and removal of waste therefrom has been added in Sec. 20-050(a)(5).
- Insertion of missed word “property” in Sec. 20-050(a)(6)
- RV’s will not be allowed on properties that have adjudicated code violations and unresolved penalties associated thereto.

Staff Recommendation:

Town Council approval on second reading Ordinance No. 2020-07 “Recreational Vehicles”.

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS UNIFIED LAND DEVELOPMENT CODE BY AMENDING PART II “ZONING DISTRICTS”, ARTICLE 20 “RESIDENTIAL ZONING DISTRICTS” BY ENACTING SECTION 20-050 “RECREATIONAL VEHICLES”; AMENDING ARTICLE 175 “FLOODPLAIN MANAGEMENT”, DIVISION XV “RECREATIONAL VEHICLES AND PARK TRAILERS”, TO PROVIDE FOR AND MODIFY REGULATIONS REGARDING RECREATIONAL VEHICLES; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to enact regulations regarding recreational vehicles; and,

WHEREAS, this proposed ordinance modifies the current code by enacting and modifying regulations governing recreational vehicles; and

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

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

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Part II “Zoning Districts”, Article 20 “Residential Zoning Districts” by enacting Section 20-050 “Recreational vehicles” to read as follows:

Sec. 20-050. – Recreational vehicles.

(a) For properties which have a permitted residential structure within the agricultural residential zoning district, recreational vehicles shall be allowed on a temporary basis for living and sleeping purposes, provided there are no adjudicated town code violations pending against the property and/or unresolved penalties associated therewith subject to the following conditions:

(1) A registration permit, (the fee for the registration permit shall be set by a resolution of the Town Council) which shall only be valid for a less than one hundred and eighty (180) days and shall be required for each recreational vehicle parking space

on an annual basis and shall be placed on the recreational vehicle occupying parking space where it can be seen from the exterior of the recreational vehicle;

(2) No recreational vehicle shall be allowed on a parcel less than one (1) acre. One (1) recreational vehicle shall be allowed on a parcel consisting of one (1) acre and less than two (2) acres; a maximum of two (2) recreational vehicles shall be allowed on a parcel consisting of two (2) acres and less than ten (10) acres; and, no more than four (4) recreational vehicles shall be allowed on a parcel consisting of ten (10) acres or more;

(3) The person or persons residing in the recreational vehicle must demonstrate a permanent residence in another location;

(4) The placement of the recreational vehicle must be setback from all property lines by at least 25 feet;

(5) The recreational vehicle shall be hooked up to or have access to appropriate electrical service, potable well and sanitary sewer facilities (bathroom and septic tank) that have been installed pursuant to permits issued by, or approved by, the health department and applicable building and zoning codes, where required; portable/pump-able septic tanks as well as the waste removal therefrom are permitted under this section subject to the requirements set forth hereinabove.

(6) Upon expiration of the registration permit the recreational vehicle shall not remain on property parked or stored and shall be removed from the property and any application for a new registration permit for that property may only occur after a minimum time period of 6 months has expired, unless the parking space was initially used for a period of less than 6 months, then a permit may be issued for the time period remaining on the initial 6 month time period;

(7) The parcel owner, where the recreational vehicle(s) site is located, shall be required to allow town staff, or its agents, to inspect the recreational vehicle(s) in such a manner and time as determined by the town manager, upon at least 24 hours' notice.

(8) Recreational vehicles shall only be used for their designed and intended purpose as evidenced by the manufacturer's certification.

(9) A recreational vehicle that is not occupied must be owned or leased by the property owner or tenant of the property.

(10) Unoccupied recreational vehicles shall not be used for storage or any other non-residential use for which it was not designed and manufactured as evidenced by the manufacturer's certification.

(11) No recreational vehicle shall be kept in an abandoned, inoperable, junked, disabled, wrecked, discarded or otherwise unused condition.

(b) This section shall not apply to caretaker's quarters, groom's quarters and construction trailers.

(c) Any violation of this section may subject the property owner and/or recreational vehicle user to code enforcement action or any other legal action as determined by the town.

(d) Requests for such a registration permit shall be submitted in writing to the town manager together with such fees, if any, as the town requires and is set forth in the town code.

Section 3. The Town of Loxahatchee Groves hereby amends Part II “Zoning Districts”, Article 175 “Floodplain Management”, Division XV “Recreational Vehicles and Park Trailers”, to read as follows:

DIVISION XV. - ~~RECREATIONAL VEHICLES AND PARK TRAILERS~~

Section 175-355. - Temporary placement.

~~Recreational vehicles and p~~Park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than 180 consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the ~~recreational vehicle or park trailer model~~ is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

Section 175-360. - Permanent placement.

~~Recreational vehicles and p~~Park trailers that do not meet the limitations in Section 175-355 of this article for temporary placement shall meet the requirements of Division XIV of this article for manufactured homes.

Section 4. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 5. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

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

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

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF

LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ____ DAY OF ____, 2020.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LISA EL-RAMEY, MAYOR	☐	☐	☐
MARGE HERZOG, VICE MAYOR	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ROBERT SHORR, COUNCILMEMBER	☐	☐	☐

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2021.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Council Member Laura Danowski

Council Member Phillis Maniglia

Council Member Robert Shorr

Agenda Item # 3

TO: Town Council of Town of Loxahatchee Groves
FROM: James Brako, Town Attorney
VIA: James Titcomb, Town Manager
DATE: March 16, 2021
SUBJECT: Approval of Second Reading of Ordinance No. 2020-08 Modifying Regulations Regarding Nuisances

Background:

The Town Council previously gave direction to prepare an ordinance amending the “Nuisances” ordinance. The Town Council approved the Ordinance at First Reading on September 8, 2020, subject to additional revisions being made thereto. The proposed ordinance incorporating those additional revisions have been made and is being presented for final adoption.

Recommendations:

Staff recommends that Town Council approves on second reading Ordinance No. 2020-08 modifying regulations regarding Nuisances.

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 30 “NUISANCES”, ARTICLE I “IN GENERAL”; AMENDING CHAPTER 38 “SOLID WASTE”, ARTICLE III “COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED”, SECTION 38.59 “COLLECTION OF WASTE; FRANCHISES AND REGISTRATION OF CONTRACTORS AUTHORIZED” TO MODIFY AND CLARIFY THE REGULATIONS REGARDING NUISANCES RELATED TO IMMIMENT PUBLIC HEALTH THREATS AND THE OBSTRUCTION OF RIGHT OF WAYS/ROADS; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes it is necessary to modify and clarify its regulations regarding nuisances; and,

WHEREAS, this proposed ordinance modifies and clarifies the current code more specifically as it relates to imminent public health threats and obstructing of the right-of-ways/roads as the Town has received increased complaints regarding these issues; and

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

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

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Chapter 30 “Nuisances”, Article I “In General” to read as follows:

.....

Sec. 30-2. - Definitions.

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

.....

Imminent public-health threat means the condition of a lot, tract, or parcel of land and the adjacent unpaved and ungraded portion of the right-of-way or roads, whether such lot or tract or parcel is improved or unimproved that, because of the accumulation of trash, junk, garbage, living or non-living plant material, or debris, such as broken glass, rusted metal, automotive and appliance parts, some of

which may contain chemicals, such as Freon, oils, fluids, or the like, may cause injury or disease to humans or contaminate the environment, or the condition of a lot, tract, ~~or~~ parcel or adjacent right-of-way or road that, because of the excessive growth or accumulation of grass, weeds, or brush, can harbor criminal activity, vermin, or disease or obstruct the use of right-of-way/road.

.....

Property means a lot or tract or parcel of land and the adjacent unpaved and ungraded portion of the right-of-way or roads, whether such lot or tract or parcel is improved or unimproved.

Right-of-way means that property, typically 30 feet, 60 feet, 80 feet, 100 feet or 120 feet in width that is deeded to the Town per plats and/or other dedicatory means or language.

Road means a strip of land, owned privately or publicly, which affords legal access to abutting land and is designated for vehicular traffic. "Road" includes street, thoroughfare, parkway, avenue, boulevard, expressway, lane, throughway, place and square, or however otherwise designated.

.....

Sec. 30-3. - Declaration of nuisance and menace.

The accumulation of trash, junk, or debris, living and nonliving plant material upon property, the excessive growth of grass, weeds, brush, branches, and other overgrowth, the keeping of fill in an unsafe and unsanitary manner, and the permitting vegetation to grow over public ~~roadways~~ roads are declared to be nuisances and menaces to the public health, safety, and welfare of the citizens of the town for the following reasons:

- (1) The aesthetic appearance of property preserves the value of other properties within the town.
- (2) The accumulation of trash, junk, or debris, living and nonliving plant material, the excessive growth of grass, weeds, brush, branches, and other overgrowth, the keeping of fill in an unsafe and unsanitary manner, and the permitting vegetation to grow over public roads in violation of section 50-035 of the town ULDC, is dangerous, unhygienic, unhealthy, ~~visually unpleasant to the reasonable person of average sensibilities, and a visual nuisance because it depreciates, or potentially can depreciate, the value of neighboring property,~~ or could cause hazards to the use of public roads, that, unless addressed properly in this Code, town taxpayers could be and would be required to pay the cost of remedying, and such clean-ups would have to be undertaken by the town several times a year, in some cases for the same properties.
- (3) The obstruction of or encroachment into any public right-of-way/road by permitting any living or non-living plant material to encroach upon the public right-of-way/road so as to hinder safe and convenient vehicular or pedestrian movement in the public right-of-way/road, or by the placement of, maintenance of or causing any other encroachment in or to such right-of-way/road, or any part thereof, is declared to be a public nuisance and may be abated as provided by law.

Except as provided in this article or as otherwise authorized by the town, the town shall have the right to remove any obstruction or encroachment from any public right-of-way/road and to prohibit any use in a public right-of-way/road.

Sec. 30-4. - Accumulation of trash, junk, or debris, living and nonliving plant material.

- (a) Every owner and, if applicable, every agent, custodian, lessee, or occupant of property shall reasonably regulate and effectively control accumulations of trash, junk, or debris, living and nonliving plant material:
 - (1) On the property; and
 - (2) On that portion of the adjoining public right-of-way/road between the property and the paved or graded street.
- (b) The following uses are permissible:
 - (1) Storage of trash, junk, debris, and living and nonliving plant material in garbage cans that comply with applicable ordinances relating to solid waste collection.
 - (2) The storage of nonliving plant material in compost bins.

.....

Sec. 30-7. - Imminent public-health threat.

- (a) The accumulation of trash, junk, debris, living and nonliving plant material, the excessive growth of grass, weeds, brush, or other overgrowth, the keeping of fill on property that presents an imminent public health threat, or the permitting vegetation to grow over ~~public roadways-right-of-way/roads~~, may be remedied by the town immediately without notice to the owner or, if applicable, the agent, custodian, lessee, or occupant. The town manager, or his/her designee shall determine whether, under the provisions of this article, an imminent public health threat exists.
- (b) After-the-fact notice will be provided by the town to the owner and, if applicable, the agent, custodian, lessee, or occupant within a reasonable time after the abatement. After-the-fact notice shall be sent as set forth in section 30-8(d), and the owner and, if applicable, the agent, custodian, lessee, or occupant shall have 15 days from the date notice is received to:
 - (1) Reimburse the town; or
 - (2) Appeal the town manager's determination to the town council that an imminent public-health threat existed on the property.

Sec. 30-8. - Enforcement.

.....

- (b) *Notice of violation.*
 - (1) Whenever the town manager or his/her designee determines there is a violation of this article, the town manager or his/her designee shall serve, or cause to be served, a notice of violation on the owner and, if applicable, the agent, custodian, lessee, or occupant of the property. The notice of violation shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to

terminate and abate the violation within ~~20~~ 10 to 30 calendar days of the date the notice is received. If the "notice of violation" pertains to an imminent public health threat abated by the town, the notice shall direct the owner and, if applicable, the agent, custodian, lessee, or occupant to pay to the town the cost of such abatement. The duration of time within which abatement of the violation must occur, as stated in the notice of violation, will be determined by the town manager or his/her designee based on imminent public-health threats and concerns.

.....

Section 3. The Town of Loxahatchee Groves hereby amends Chapter 38 "Solid Waste", Article III "Collection of Waste; Franchises and Registration of Contractors Authorized", Section 38.59 "Precollection procedures generally" to read as follows:

Sec. 38-59. - Precollection procedures generally.

(a) All items placed out for collection shall be placed in the area designated by the property owner for the placement of such items. Should the town of a franchisor request, the property owner shall designate such location in writing. Any items placed in an area not designated for pickup shall be deemed a blighting condition and/or nuisance pursuant to subsections (b) through (i) of this section.

(b) At all times, any exterior premises adjacent to a public roadway used for access to the property shall be maintained by the owner or operator of such premises such that the appearance of such premises shall not constitute a blighting condition, blighting factor or nuisance. Items placed for collection in violation of section 38-58 and this section 38-59, shall be deemed a violation hereof.

(c) The placement of garbage in a loose and uncontained manner on the roadside, swale, other locations adjacent to the road, or in dumpster enclosures shall be strictly prohibited.

(d) No person shall place for curbside collection any garbage, bulk waste, vegetative waste, or recyclable materials upon any property other than in the swale or area adjacent to and directly in front of the same property from which the garbage, bulk waste, vegetative waste, or recyclable materials was generated or accumulated, unless a predetermined location has been approved by the Town and the Town's Contractor.

(e) All garbage containers, when placed for curbside collection, shall be at ground level, not within the road, and immediately accessible to collection crews.

(f) No person shall place any garbage containers, or any accumulation of garbage, bulk waste or vegetative waste in any portion of a road, right-of-way or upon private property in any part of a front yard or a side yard abutting a right-of-way except during the day scheduled for collection or during the day immediately preceding the day scheduled for collection, as provided herein. No person shall place any garbage containers, or any accumulation of garbage, bulk waste or vegetative waste in any portion of a road or right-of-way where it obstructs the road or public right-of-way so as to hinder safe and convenient vehicular or pedestrian movement in the public right-of-way or road. No person in possession of real property shall allow any garbage containers or roll out cart, or any accumulation of garbage, bulk waste or vegetative waste to remain an any portion or a road or right-of-way abutting his/her property to the centerline of the road or right-of-way, or in any part of the front yard or side

yard abutting the road or right-of-way, except during the day scheduled for collection or the day immediately preceding the day scheduled for collection.

(g) Private roads shall be fully accessible to the Town's contractor and equipment in order for collections to be made by the Town's Contractor without delay.

(h) Unacceptable materials shall be stored and properly disposed of by the person responsible for their generation or accumulation.

(i) Hazardous wastes shall be stored and properly disposed of by the person responsible for their generation or accumulation.

Section 4. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 5. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

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

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

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __ DAY OF _____, 2020.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LISA EL-RAMEY, MAYOR	☐	☐	☐
MARGE HERZOG, VICE MAYOR	☐	☐	☐
LAURA DANOWSKI, COUNCIL MEMBER	☐	☐	☐
PHILLIS MANIGLIA, COUNCIL MEMBER	☐	☐	☐
ROBERT SHORR, COUNCILMEMBER	☐	☐	☐

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2020.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Mayor Lisa El-Ramey

Vice Mayor Marge Herzog

Council Member Laura Danowski

Council Member Phillis Maniglia

Council Member Robert Shorr

Agenda Item # 4

TO: Town Council of Town of Loxahatchee Groves
FROM: James Fleischmann, Town Planning Consultant
VIA: James Titcomb, Town Manager
DATE: March 16, 2021
SUBJECT: Approval of Resolution No. 2021-09 Proposed Site Plan Amendment ASPA-2021-0507

Background:

Conditional Use and Site Plan Amendment Application Groves Medical Plaza

Project Name: Groves Medical Plaza Site Plan Amendment.

Agent: Ryan Johnston/Johnston Group, Inc.

Applicant: Groves Medical Plaza, LLC/Michael Porter.

Owner: Groves Medical Plaza, LLC/Michael Porter.

Parcel Control Numbers (PCN): 41-41-43-33-05-001-0000.

Project Location: 13475 Southern Boulevard; Northeast corner of Southern Boulevard and “F” Road.

Size of Property: 3.43 acres.

FLU Map Designation: Commercial Low Office (CL-O)

Zoning Map Designation: Commercial Low Office (CL-O)

Existing Use: 22,342 sq. ft. medical office facility.

Maximum Development Potential: 22,342 sq. ft. medical office facility sq. ft. per Palm Beach County Resolution R-2006-0157; 0.14 F.A.R.

Approval History:

The subject site was granted zoning and Class A Conditional Use approvals by Palm Beach County on January 26, 2006 (Resolutions R-2006-0157). The Class A Conditional Use approval

limits occupancy to 22,342 sq. ft. of medical and/or dental office uses.

Exhibit C of Resolution 2006-0157 contains Conditions of Approval, including the following:

- “PLANNING
1. The site shall be limited to medical office uses only (ONGOING: MONITORING – Planning).” and
- “USE LIMITATIONS
1. Development and use of the site is limited to a medical or dental office and shall not be modified unless approved by the BCC (ONGOING: ZONING – Zoning).”

The previously approved site plan including Conditions of Approval is grandfathered under Paragraph (5) *Transitional Ordinances and Resolutions* of Section 10 *Transition Schedule* of the Town Charter. Section 10 directs that Palm Beach County approval resolutions for the subject property remain in effect until such time that they are rescinded by the Town Council.

As a result, the approved site plan titled “Grove Medical Plaza” dated April 26, 2006 and Conditions of Approval in Resolution 2006-0157 are vested until they are rescinded or amended by the Town Council.

The final certified site plan contains a single 2-story 22,342 sq. ft. medical office building at a floor-area-ratio (F.A.R.) of 0.14. The approved F.A.R. complies with the Town’s Commercial Low Office (CL-O) District which allows a maximum F.A.R. of 0.20.

Application Summary:

The Applicant has requested revisions to Palm Beach County Resolution 2006-0157 and the approved Grove Medical Plaza Site Plan dated April 26, 2006 to allow non-medical professional office tenants within the approved space. The proposed amendments will allow the greatest flexibility in leasing the built space. The Site Plan and Conditions of Approval currently limit tenants to medical and dental businesses. No increase in the approved amount of space (22,342 sq. ft.) is proposed. The Application states the following in support of the proposed amendments:

1. “Section 95-010(B) of the Town’s Unified Land Development Code (ULDC) provides the minimum parking space requirements for Commercial uses. Offices (e.g. business, professional, and medical) require one parking space per 250 square feet. The corresponding parking requirement for the 22, 342 SF Groves Medical Plaza is 90 spaces. The project as constructed provides for a total of 112 parking spaces. Accordingly, ample parking is provided for both professional and medical office uses pursuant to the Town’s requirements.”

2. “Likewise, traffic trip generation for medical office uses is higher than that of professional office uses. The proposed change to allow professional and/or medical office use would not result in an increase in traffic generation generated by the project.”

Staff Finding and Recommendations:

Staff finds the Applicant’s request consistent with the Town’s Comprehensive Plan and previously approved Site Plan and recommends approval of Site Plan Amendment Application as follows:

1. Approval of the following two amendments to the Conditions of Approval of Resolution 2006-0157 as follows (text additions are indicated by underline and text deletions are indicated by ~~striketrough~~):

- **“PLANNING**
 1. The site shall be limited to professional or professional and/or medical office uses only” and
 - **“USE LIMITATIONS**
 1. Development and use of the site is limited to a business or professional, medical and/or dental office uses and shall not be modified unless approved by the ~~BCC~~ Town Council. Business or professional office means an establishment providing executive, management and professional services to the public, including but not limited to the following: advertising services, business offices of private companies, business offices of utility companies, public or nonprofit agencies, trade associations, and employment offices (excluding day labor and labor pool services); professional or consulting offices for accounting, architecture, computer technology, design, engineering, landscape architecture, law, urban planning, and similar professions; property and financial management, real estate; secretarial and telecommunications services; and travel agencies. This definition does not include offices for the treatment of animals on the premises.”
2. Approval of Grove Medical Plaza Site Plan Amendment dated January 7, 2021

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2021-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE GROVES MEDICAL PLAZA SITE PLAN AMENDMENT, FOR LAND OWNED BY GROVES MEDICAL PLAZA, LLC, CONSISTING OF 3.43 ACRES MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “F” ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the site was granted a Class A Conditional Use approval by the Palm Beach County Board of County Commissioners on January 26, 2006 (Resolution R-2006-0157) to allow a medical or dental office in the Limited Office Commercial Zoning District; and

WHEREAS, the Class A Conditional Use approval limits occupancy to 22,342 sq. ft. of medical and/or dental office uses (Ref: Attachment A: Resolution 2006-0157 and Grove Medical Plaza Site Plan dated April 26, 2006); and

WHEREAS, Section 10 (Transition Schedule), Paragraph 5 (Transitional Ordinances and Resolutions) of the Town Charter directs that Palm Beach County approval resolutions for the subject property remain in effect until such time that they are altered, changed, rescinded or added to by the Town Council; and

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to site plans and amendments to site plans for development on property within the Town; and

WHEREAS, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny site plans and site plan amendments; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meeting of February 24, 2021 recommended approval of the Groves Medical Plaza Site Plan Amendment Application; and

WHEREAS, the Groves Medical Plaza Site Plan Amendment Application was presented to the Town Council at a quasi-judicial public hearing conducted on March 16, 2021; and

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

WHEREAS, this approval is subject to Section 05-050 (Conformance with approved site plan required) of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development comply with Town approvals, rules and regulations.

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

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

Section 2. The Town Council has considered the findings in the Staff Summary Report dated March 16, 2021 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. Site Plan ASPA 21-0507 is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan.
3. Site Plan ASPA 21-0507 as presented in Exhibit B hereto, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations. This Site Plan, along with conditions of approval, as adopted and presented in Exhibit C hereto, complies with standards imposed on it by all other applicable provisions of the Town ULDC. The Town Council finds the conditions, as presented in Exhibit C hereto, to be reasonable, and rationally related to the proposed development, and consistent with the Town’s character.
3. Site Plan ASPA 21-0507, as presented in Exhibit B hereto, and conditions of approval, as adopted and presented in Exhibit C hereto, are compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted and presented in Exhibit C hereto, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. Site Plan ASPA 21-0507, as presented in Exhibit B hereto, and conditions of approval, as adopted and presented in Exhibit C hereto, minimize environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.

6. Site Plan ASPA 21-0507, as presented in Exhibit B hereto, and conditions of approval, as adopted and presented in Exhibit C hereto, will result in logical, timely and orderly development patterns.

Section 3. The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Groves Medical Plaza Site Plan Amendment ASPA 21-0507 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof. A copy of the Amended Site Plan, subject to the approved conditions presented in Exhibit C hereto, is attached hereto as Exhibit B and made a part hereof.

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

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective upon adoption.

[The remainder of this page intentionally left blank.]

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

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

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 16th day of March 2021.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor

APPROVED AS TO LEGAL FORM:

Vice Mayor

Town Attorney

Council Member

Council Member

Council Member

EXHIBIT A

LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Description is applicable to Resolution 2021-09:

Parcel Control Number: 41-41-43-33-05-001-0000 (13475 Southern Boulevard)

TRACT "A", GROVES MEDICAL PLAZA ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 114, PAGES 98 THROUGH 100 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LAND SITUATE IN THE TOWN OF LOXAHATCHEE GROVES, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

CONTAINING 149,427 SQUARE FEET OR 3.43 ACRES, MORE OR LESS.

LOCATION MAP

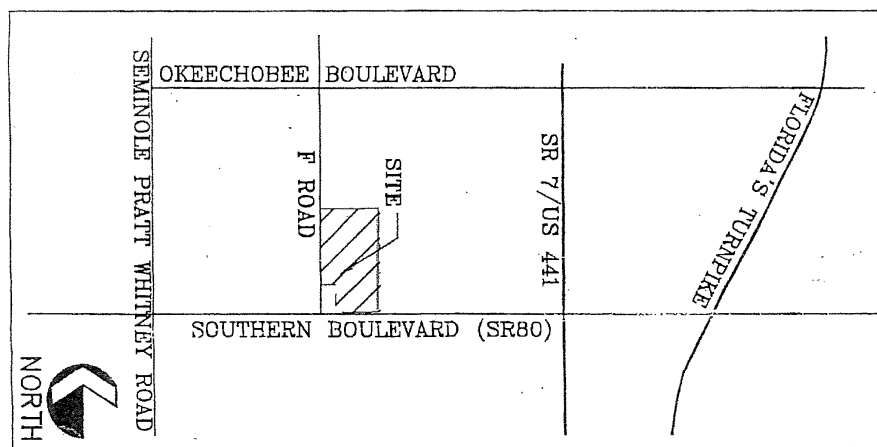
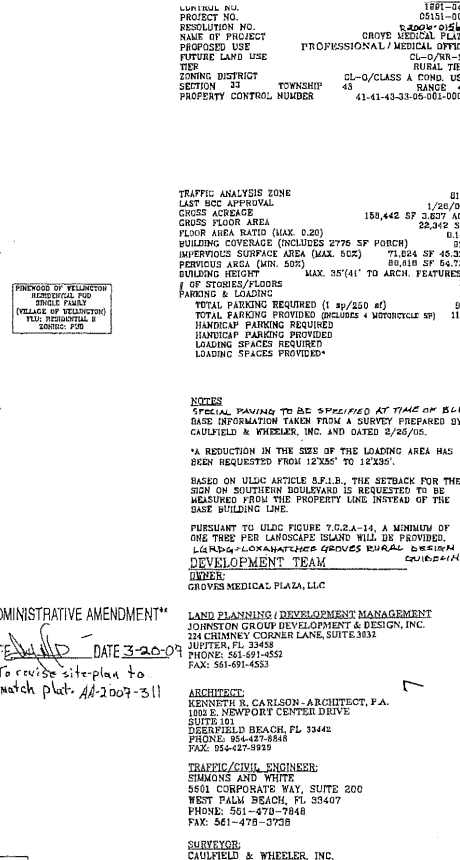


EXHIBIT B
GROVES MEDICAL PLAZA
AMENDED FINAL SITE PLAN ASPA 21-0507 DATED JANUARY 7, 2021
(REFER TO THE FOLLOWING PAGE)



EXISTING TREES TO REMAIN:

50 52.1' LIVE OAK	272 16.4' SLASH PINE
212 22.6' SLASH PINE	273 12.5' SLASH PINE
213-269 SHRUB -PINE	274-281 SHRUB -PINE
266-219 SHRUB -PINE	303-304 SHRUB -PINE
110 12.0' SLASH PINE	283 7.8' LIVE OAK
244-205 SHRUB -PINE	284 21.0' SLASH PINE
242 17.8' SLASH PINE	286 48.0' POINCIANA
143 17.0' SLASH PINE	366 13.5' SLASH PINE
244 6.1' SLASH PINE	371 16.7' SLASH PINE
146 17.5' SLASH PINE	370-375 SHRUB -PINE
252 7.6' CYPRESS	400 15.9' SLASH PINE
253 6.9' LIVE OAK	449-456 SHRUB -PINE
254 15.0' CABBAGE PALM	
255-270 SHRUB -PINE	
256 17.3' SLASH PINE	
263-266 SHRUB -PALM	

*TIME-OUT TREES AND LARGER NOT DUE TO
HURRICANE DAMAGE.

VEGETATION TRACKING #VP08-02D.

PROPERTY DEVELOPMENT REGULATIONS

ZONING DISTRICT	MINIMUM LOT SIZE	LOT DIMENSIONS		DENSITY	MAX. FLOOR COVER	MAX. HLG. COVER	MIN. FRONT SETBACK	BLDG. STREET	BLDG. STREET	BLDG. STREET	REAR	
		WIDTH	DEPTH									MIN.
REQUIRED	CLD	1 AC.	100'	20'	N/A	N/A	0.20	25%	30'	15'	*	20'
PROVIDE	CLD	1.857 AC.	318'	546'	N/A	N/A	0.14	0%	111.7'	80.2'	123.8'	245.5'

LOCATION MAP

NORTH

FLORIDA'S TURNPIKE

SR 7/US 441

SOUTHERN BOULEVARD (SR80)

DEERHOBE BOULEVARD

SITE

F ROAD

SEMINOLE PRATT WHITEY ROAD

NORTH

SEE CONDITIONS

NORTH

0 40' 80' 120'

SCALE 1"=40'

PROJECT NO. 05151-020

PETITION NO./CONTROL NO. 91-043

DATE SUBMITTED 4/26/2006

EXHIBIT NO. 21 (1-2)

ST. LOUIS 19

FINAL PLAN -
APPROVED AT
04/26/2006 DRC

EXHIBIT C
GROVES MEDICAL PLAZA: ASPA 21-0507
AMENDED CONDITIONAL USE APPROVAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Conditions of approval assigned in Exhibit C (Conditions of Approval) of Palm Beach County Resolution 2006-0157 approving a Class A Conditional Use are adopted by reference and incorporated herein and shall remain in effect unless they are altered, changed, rescinded or added to by the Town Council with the following revisions (NOTE: Resolution 2006-0157 text additions are indicated by underline and text deletions are indicated by ~~strike through~~):

PLANNING

1. The site shall be limited to business or professional and/or medical office uses only (ONGOING: MONITORING – Planning)

USE LIMITATIONS

1. Development and use of the site is limited to a business or professional, medical and/or dental office uses and shall not be modified unless approved by the ~~BCC~~ Town Council. Business or professional office means an establishment providing executive, management and professional services to the public, including but not limited to the following: advertising services, business offices of private companies, business offices of utility companies, public or nonprofit agencies, trade associations, and employment offices (excluding day labor and labor pool services); professional or consulting offices for accounting, architecture, computer technology, design, engineering, landscape architecture, law, urban planning, and similar professions; property and financial management, real estate; secretarial and telecommunications services; and travel agencies. This definition does not include offices for the treatment of animals on the premises. (ONGOING: ZONING – Zoning)
3. The Owner shall apply for a rezoning of the property from Palm Beach County Limited Office Commercial (LOC) Zoning District to Town of Loxahatchee Groves Commercial Low Office (CLO) Zoning district within 60 days of the approval of Resolution 2016-21 by the Town Council.

Agenda Item # 5

TO: Town Council of Town of Loxahatchee Groves
FROM: Public Works to James Titcomb, Town Manager
DATE: March 16, 2021
SUBJECT: Dust Control Pilot Projects Update

Representatives from two “Dust Control” products presented an overview of their products to Town Council on March 2, 2021. Town Council approved a “Pilot” test program for each product.

Soil2o:

This product was selected to be tested on “D” Road, from Okeechobee to Southern Boulevard.

A purchase order is being authorized to MLR Holdings, in the amount of \$2,052.00, for 18 Buckets of Soil2o product, for a one-month pilot test, the initial and three additional weekly applications.

Upon receipt of the PO, the product will be shipped from North Carolina, and the first application will occur upon arrival.

Dirt Glue (CES):

This product was selected to be tested on “North B Road”, between Okeechobee Boulevard and North Road.

Mr. McNeil suggested that we diminish the amount of product as the traffic diminishes. i.e., 100% the South ¼ mile, 75% the next ¼ mile, 50% the next ¼ mile, and 25% of the product for the Northern most ¼ mile, therefore, the amount of product would be:

Southern ¼ mile:	1,444 gallons
Next ¼ mile	1,083 gallons
Next ¼ mile	722 gallons
Next ¼ mile	<u>361 gallons</u>
Total	3,610 gallons in lieu of the proposed 5,775 gallons

Reducing the cost to: \$32,195.00 less 15% = \$27,371.00 + Shipping vs. original amount proposed of \$47,041.00, all based upon 3” of topping.

Mr. McNeil was to confirm the amount of product and/or effectiveness of the product, based upon not having 3” of one inch minus topping. Mr. McNeil has since confirmed that Global Environmental Services, LLC, will not reduce the amount of product as suggested, and have agreed to determine the amount of product needed, uniformly for the entire length of North B Road, dependent upon the actual thickness of the topping.

Note: The Town Public Works Department, has since confirmed that there is less than average 1” of topping on North B Road, however, PW could replenish the entire two-mile length of roadway with an additional 2” (average) minus one for \$19,000.00.

Staff Recommendation:

Staff will proceed with the Soil2o pilot project on South D Road, as defined above, and request Town Councils direction as to proceeding with the North B Road pilot with 1” of topping or to refurbish North B Road to 3” topping as the design bases.