Town of Loxahatchee Groves

Town Council Meeting

Tuesday, August 7, 2012 at 7:00 p.m.

Loxahatchee Groves Water Control District, 101 West "D" Road

Mayor David Browning (Seat 4)
Vice Mayor Jim Rockett (Seat 2)
Councilman Tom Goltzené (Seat 5)
Councilman Ronald D. Jarriel (Seat 1)
Councilman Ryan Liang (Seat 3)

Town Manager Mark Kutney
Town Clerk Susan A. Eichhorn
Town Attorney Michael D. Cirullo, Jr.

PUBLIC NOTICE/AGENDA

1. OPENING

a. Call to Order & Roll Call
b. Pledge of Allegiance & Invocation
c. Approval of Agenda

2. CONSENT AGENDA

a. Minutes for Approval: June 5, 2012 (Regular Town Council Meeting)
b. Invoice from Goren, Cherof, Doody & Ezrol, P.A.

3. PRESENTATIONS – None

4. COMMITTEE REPORTS – None

5. PUBLIC HEARINGS (Ordinances 2nd Reading) – **None**

6. ORDINANCES (1st Reading) –

Ordinance No. 2012-08

a. AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO CREATE A NEW ARTICLE 41, ENTITLED "PLANNED UNIT DEVELOPMENT (PUD)"; PROVIDING FOR PURPOSES AND INTENT, LAND USE AND DEVELOPMENT INTENSITY REGULATIONS, OBJECTIVES AND STANDARDS INCLUSIVE OF DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS, APPLICATION REQUIREMENTS, AND AMENDMENTS TO APPROVED PUDS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

7. RESOLUTIONS

a. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, STRONGLY SUPPORTING THE COUNTY'S CONTINUED ALLOCATION OF THE $12.50 FUNDS TO THE MUNICIPALITIES PURSUANT TO COUNTY RESOLUTION NO. R-2002-0192, WHICH SERVES TO ENHANCE THE COUNTY'S INTERGOVERNMENTAL COMMUNICATIONS PLAN; AND STRONGLY SUPPORTING THE COUNTY'S DISBURSEMENT OF THE $12.50 FUNDS TO COVER EXPENSES FOR ALL MUNICIPALITIES THAT HAVE RADIO SYSTEMS THAT ARE FUNCTIONALLY INTEROPERABLE WITH THE COUNTY'S RADIO SYSTEM WITHOUT ARBITRARY DISTINCTIONS BEING MADE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

8. ADMINISTRATIVE UPDATE – Town Manager Kutney

9. OLD BUSINESS

a. Discussion Related to the Town Setting Speed Hump Standards for Roads in Loxahatchee Groves.

10. NEW BUSINESS

a. Unified Land Development Code (ULDC) Review

b. Review of Contract for Town Management Services

c. Planning Issues Associated with the Moratorium

d. Loxahatchee Groves Water Control District Administrator Request to Waive the Pre-Authorization Requirement for Roads Graded by the District Without Town Approval

11. CLOSING COMMENTS

a. Public

b. Town Attorney

c. Town Council Members

12. ADJOURNMENT

The next Town Council Meeting is scheduled for Tuesday, August 21, 2012 at 7:00 p.m.

Comments Cards: Anyone from the public wishing to address the Town Council must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is 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.

ITEM 2. – CONSENT AGENDA

a. Minutes for Approval

Town of Loxahatchee Groves

Regular Town Council Meeting

Tuesday, June 5, 2012 at 7:00 p.m.

Loxahatchee Groves Water Control District, 101 West "D" Road

MINUTES

1. Opening

a. Call to Order& Roll Call

Mayor Browning called the meeting to order at 7:02 p.m. Present were Mayor David Browning, Vice Mayor Jim Rockett, and Council Member Ronald D. Jarriel. Also present were Town Manager Mark Kutney, Town Clerk Susan Eichhorn, and Town Attorney Michael D. Cirullo, Jr. Council Members Tom Goltzené and Ryan Liang were not in attendance.

b. Pledge of Allegiance & Invocation -Mayor Browning

c. Approval of Agenda

Councilman Jarriel added Item 9 c. Discussion of home business operated by Jerry and Janet Eick.

Motion: Vice Mayor Rockett moved approval of the Agenda, as amended. Councilman Jarriel seconded the motion, which passed 3/0.

Consent Agenda

a. Invoices from Goren, Cherof, Doody & Ezrol, P.A.

Motion: Vice Mayor Rockett moved approval of the Consent Agenda. Councilman Jarriel seconded the motion, which passed 3/0

2. Presentations - *None*

3. Committee Reports- *None*

4. Public Hearings -Ordinances 2nd Reading - *None*

5. **Ordinances** -1st Reading- *Public Hearings*

Ord. No. 2012-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL NOVEMBER 30, 2012 ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN, INCLUDING FUTURE LAND USE MAP AMENDMENTS AND TEXT AMENDMENTS, WITHIN THE CORPORATE BOUNDARIES OF THE TOWN AS OF APRIL 17, 2012; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Cirullo read Ordinance No. 2012-06 by title.

Mayor Browning called for public comments. There were none.

Councilman Jarriel suggested that the town council hold off on a vote, due to a letter relating to this matter that had been received in the mail.

After brief discussion, it was determined that the ordinance would be scheduled for second reading on June 26, 2012.

Motion: Vice Mayor Rockett moved approval of Ordinance No. 2012-06 on first reading. Mayor Browning seconded the motion. Councilman Jarriel opposed the motion, which passed 2/1.

6. **Resolutions** - *None*

7. **Administrative Update – Town Manager Kutney**

- Website development training will take place with staff and the vendor.
- Several of the town meetings are now available on the web, via You-tube, on the Loxahatchee Groves channel.
- Intergovernmental Committee Meeting on June 13, 2012 regarding interlocal agreements was moved to June 18, 2012 at 10:00 a.m.
- FACC meeting will be held on June 7, 2012 at 7:00 p.m. at the Chamber of Commerce to review proposals from two banks.

- Code Enforcement – setback issue; tree mitigation issue discussion deferred until the June 26, 2012 town council meeting, when a full council is available.

Mayor Browning and Councilman Jarriel preferred waiting to discuss the issue.

Motion: Councilman Jarriel moved deferral of discussion of code enforcement issues until the June 26, 2012 town council meeting. Mayor Browning seconded the motion. Vice Mayor Rockett opposed the motion, which passed 2/1.

- Commence ULDC draft after the town has obtained a vendor and commenced the review of the ULDC drafts.

8. Old Business- *None*

9. New Business

a. Planning process for the determination of non-district roadways that will merit OGEM treatment. (Councilman Jarriel)

Councilman Jarriel presented a process plan for the requirements for determining how non-district roadways will merit OGEM treatment. Discussion took place.

Motion: Councilman Jarriel moved acceptance of the process plan as presented. Vice Mayor Rockett seconded the motion for discussion.

Public comment was heard from the following:

Marsha Newell. "C" Road, regarding costs for road improvements should be divided equally between all land owners.

Mayor Browning read into the record the following public comments in favor of improvements to non-district roadways into the record:

David Self, 3730 161st Terrace North

Sharon Jarriel, 2800 161st Terrace, North

Joan McLendon, 3576 161st Terrace, North

John Paradis, 3237 "A" Road

Larry Carlton, 4461 161st Terrace, North

Cheryl Rush, 3668 161st Terrace, North

Dawn Snowball, 3032 161st Terrace, North

Lidia Svaighert, 3361 161st Terrace, North

Linda Brown, 3423 161st Terrace, North

Jon Ingram, 3546 161st Terrace, North

Ron Jarriel, 2800 161st Terrace, North

Harold Benson, 3055 161st Terrace, North

Discussion continued.

Motion: Councilman Jarriel withdrew his motion to accept the process plan as presented.

Motion: Councilman Jarriel moved to direct staff to send guidelines to the town council members for input and discussion at the July 17th town council meeting. The motion was seconded by Vice Mayor Rockett. The motion carried 3/0.

Mayor Browning requested that the collecting canal costs would be included in cost estimations.

b. Consideration of town council approval of the application of OGEM for 161st Terrace. (Councilman Jarriel)

c. Discussion related to home business of Jerry and Janet Eick, 3481 "B" Road, Loxahatchee, FL. (Councilman Jarriel).

Councilman Jarriel reported that Jerry and Janet Eick had received an Order to Cease All Business Activity in regard to their selling hay on their property at 3481 "B" Road. He read comments from Jerry and Janet Eick into the record.

Discussion took place.

Public Comment:

Marianne Miles, 3423 "B" Road, in support of Jerry and Janet Eick.

Dennis Lipp, 3402 North Road, in support of Jerry and Janet Eick.

Motion: Councilman Jarriel moved approval of directing staff to review the ULDC and formulate options to resolve the issue of home based "mom and pop" type operations within the town. Vice Mayor Rockett seconded the motion. Motion carried 3/0.

Attorney Cirullo clarified that the review would apply to only home based operations, and that the issue would go to the Planning and Zoning Board before returning to the Town Council. He also noted that all enforcement action would be abated during the review process.

10. Closing Comments

a. Public

Marsha Newell, regarding her concern with speed bumps on "C" Road. She read a letter, dated May 16, 2012, into the record from her physician.

(Mayor Browning explained that the letter roads were Loxahatchee Groves Water Control District (LGWCD) roads, and that the issue should be brought to them.

Marsha Newell, "C" Road, regarding opinions that she stated that she had heard from LGWCD employees regarding a current Sheriff's office matter.

Ronny Correll, 3442 "C" Road, commented regarding road improvements and who should pay for them.

Cassie Suchy, "B" Road, regarding improvements on non-district roads.

b. Town Attorney

Attorney Cirullo referred to a letter dated May 25, 2012, from the attorney for Willie and Frankie Day requesting reconsideration of an ordinance that did not pass.

After discussion, it was determined that there would not be reconsideration at this time, and that the Planning and Zoning board would discuss options for low impact, non-residential uses on Okeechobee Blvd.

c. Town Council Members

Vice Mayor Rockett – thanked everyone for coming to the meeting, and noted that the town council had the opportunity to address a problem and provide a resolution tonight. He requested a brief update from Lt. Combs, to which the response was that there was nothing new to report.

Councilman Jarriel - thanked everyone for coming to the meeting.

Mayor Browning – thanked everyone for coming to the meeting, and suggested that everyone think about why the town had incorporated.

11. Adjournment

Vice Mayor Rockett moved to adjourn the meeting at 8:32 p.m. Mayor Browning seconded the motion, which passed 3/0.

The next Town Council Meeting is scheduled for Tuesday June 26, 2012 at 7:00 p.m.

These minutes were approved by the Town Council on Tuesday, August 7, 2012.

Susan Eichhorn
Town Clerk

David Browning
Mayor

SEAL

ITEM 2. – CONSENT AGENDA

b. Invoices from Goren, Cherof, Doody & Ezrol, P.A.

GOREN, CHEROF, DOODY & EZROL, P.A.
Attorneys at Law
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500

08/02/2012

TOWN OF LOXAHATCHEE GROVES
Att: Mayor Dave Browning
14579 Southern Boulevard
Suite 2
Loxahatchee FL 33470

ACCOUNT NO: 1574-1104890R
STATEMENT NO: 7

Palm Beach State College

MDC

		HOURS	
07/05/2012			
MDC	Telephone conference with JF, telephone conference with B. Seymour regarding master plan issues, P&Z Board matters.	0.60	
07/06/2012			
MDC	Review materials, staff report for proposed Master Development Plan for 7/12/12 P&Z Board meeting.	0.30	
07/30/2012			
MDC	Review timeline for pending applications, notices; telephone call with MK, JP, SE.	0.90	
07/31/2012			
MDC	Review, revise notices for comp plan hearings.	0.30	
	FOR CURRENT SERVICES RENDERED	2.10	388.50

RECAPITULATION

TIMEKEEPER	HOURS	HOURLY RATE	TOTAL
MICHAEL D. CIRULLO	2.10	$185.00	$388.50

LONG DISTANCE CALLS / FACSIMILES	48.47
TOTAL EXPENSES	48.47
TOTAL CURRENT WORK	436.97
BALANCE DUE	$436.97

GOREN, CHEROF, DOODY & EZROL, P.A.
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3099 East Commercial Boulevard
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Telephone (954) 771-4500

TOWN OF LOXAHATCHEE GROVES
Att: Mayor David Browning
14579 Southern Blvd. Ste, 2
Loxahatchee FL 33470

08/02/2012
ACCOUNT NO: 1574-1004840R
STATEMENT NO: 14

Loxahatachee Groves Commons

MDC

		HOURS	
07/31/2012			
MDC	Review status of application; review notices for August 21 meeting.	0.50	
	FOR CURRENT SERVICES RENDERED	0.50	92.50

RECAPITULATION

TIMEKEEPER	HOURS	HOURLY RATE	TOTAL
MICHAEL D. CIRULLO	0.50	$185.00	$92.50

TOTAL CURRENT WORK	92.50
BALANCE DUE	$92.50

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

Please note that this matter has been assigned a new number. Please reference this number when making inquiries or payments and contact Trish Piro at 954-771-4500 with any questions.

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Attorneys at Law
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500

08/02/2012

TOWN OF LOXAHATCHEE GROVES
Att: Mayor David Browing
14579 Southern Boulevard
Suite 2
Loxahatchee FL 33470

ACCOUNT NO: 1574-0706600R
STATEMENT NO: 18

Solid Waste Special Asssessment MDC

		HOURS	
07/03/2012			
MDC	Review file, prepare Preliminary Assessment Resolution.	1.50	
	FOR CURRENT SERVICES RENDERED	1.50	277.50

RECAPITULATION

TIMEKEEPER	HOURS	HOURLY RATE	TOTAL
MICHAEL D. CIRULLO	1.50	$185.00	$277.50

TOTAL CURRENT WORK	277.50
BALANCE DUE	$277.50

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

Please note that this matter has been assigned a new number. Please reference this number when making inquiries or payments and contact Trish Piro at 954-771-4500 with any questions.

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08/02/2012

TOWN OF LOXAHATCHEE GROVES
Att: Mayor Dave Browning
14579 Southern Boulevard
Suite 2
Loxahatchee FL 33470

ACCOUNT NO: 1574-0702400R
STATEMENT NO: 68

General Matters

		HOURS
07/03/2012		
MDC	telephone conference with Town Clerk to follow up on ordinance, notice issues; telephone conference with county attorney on application of Town.	0.50
07/05/2012		
MDC	Review materials for P&Z Board meeting; telephone conference with JG on PUD ordinance; review roadway issues, materials for 7/06/12 meeting with MK, BU.	1.60
DJD	Conference regarding gas tax; public roads.	1.00
07/06/2012		
MDC	Review code, road issues; review P&Z Board items; prepare for, meet with BU, MK on budget, roadway issues; review correspondence on code matters.	2.70
JGH	Review PUD ordinance, review PBSC Master Site Plan.	0.40
07/09/2012		
MDC	Review documents regarding gas tax, roads, budget; telephone conference with MK on P&Z Board, Town Council meeting items, code issues; review initial draft ILA for LGWCD counsel.	1.30
07/10/2012		
MDC	Telephone conference with MB, FP, on LGWCD Agreement; telephone conference with MK on pending code matters, review budget schedule, items; telephone conference with county attorney on Town ordinances.	1.00
BJS	Legal research regarding Law Enforcement issues.	0.70
07/11/2012		
MDC	Telephone conference with MK on agenda items; telephone conference with Palm Beach County Attorney on Town code inquiries; review materials regarding LGWCD	

General Matters

		HOURS
	Agreement.	1.00
BJS	Continued legal research regarding police services.	0.40
07/12/2012		
MDC	Review pending agenda inquiries; prepare for and attend meeting with Commissioner Santamaria and Palm Beach County staff on Town code enforcement matters; miscellaneous telephone calls with Council members on pending issues.	3.40
JGH	Review P & Z Agenda and prepare for meeting, P & Z meeting, meeting with M. Cirullo.	4.50
07/13/2012		
MDC	Telephone conference with MK, review issues with budget.	0.50
07/14/2012		
MDC	Review materials regarding changes in statutes affecting land regulations; review agenda materials for 7/17/12 meeting.	0.80
07/16/2012		
MDC	Review revised agenda materials, telephone conference with Council members.	0.80
BJS	Legal research regarding Right to Farm act.	0.70
07/17/2012		
MDC	Review agenda materials, miscellaneous telephone conference with Council; telephone conference with MK; prepare for and attend Council meeting.	6.50
DJD	Address issues attendant to road maintenance and local gas tax distribution.	0.40
BJS	Continued legal research on zoning issues per MDC.	0.50
07/18/2012		
MDC	Telephone conference with MK, review correspondence on zoning issues; telephone conference with Palm Beach county attorney on easements, zoning.	0.80
BJS	Telephone conference with County Attorney and MDC regarding zoning matters.	0.30
07/24/2012		
MDC	Review items from 7/17/12 meeting; prepare resolution for millage, budget hearing; correspond with county attorney on Restrictive Covenants.	0.60
07/25/2012		
MDC	Telephone conference with MK on pending items, telephone conference with JF on PUD ordinance; conference call with MV, FP (LGWCD) on Interlocal Agreement.	2.10

TOWN OF LOXAHATCHEE GROVES

ACCOUNT NO: 1574-0702400R
STATEMENT NO: 68

General Matters

		HOURS	
BJS	Meeting with MDC, research of administrative decisions regarding zoning matters.	0.60	
07/26/2012			
MDC	Review correspondence on District/Town assessment grant issues.	0.30	
BJS	Continue research on Administrative Case law for zoning matters.	0.50	
07/27/2012			
MDC	Review agenda materials for 7/31/12 special meeting.	0.30	
07/30/2012			
MDC	Telephone call with MK, JF regarding planning matters; telephone call with JF regarding Planned Unit Development Ordinance; miscellaneous telephone calls on 7/31 agenda items.	1.30	
07/31/2012			
MDC	Review materials, prepare for and attend Council meeting; review revised PUD ordinance.	4.80	
	FOR CURRENT SERVICES RENDERED	40.30	7,455.50

RECAPITULATION

TIMEKEEPER	HOURS	HOURLY RATE	TOTAL
D.J. DOODY	1.40	$185.00	$259.00
MICHAEL D. CIRULLO	30.30	185.00	5,605.50
JACOB G. HOROWITZ	4.90	185.00	906.50
Brian J. Sherman	3.70	185.00	684.50

TOTAL CURRENT WORK	7,455.50
BALANCE DUE	$7,455.50

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE.

Please note that this matter has been assigned a new number. Please reference this number when making inquiries or payments and contact Trish Piro at 954-771-4500 with any questions.

ITEM 6. – ORDINANCES (1st reading)

TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

Revised August 2, 2012

TO: Mayor and Town Council

FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM

DATE: July 11, 2012

SUBJECT: Town Initiated Amendment to the Loxahatchee Groves Unified Land Development Code (ULDC) –Planned Unit Development (PUD)

I. ATTACHMENTS

Attachments included with this Agenda item are as follows:

- Staff Report –LRM as amended (see LRM report)
- Ordinance 2012-08

~~*Please note that changes made to this agenda item by the P&Z Board on July 12, 2012 will be Provided under separate cover~~. Please note this item is a second review at the first reading stage.

TO: **Mark Kutney, Town Manager**

FROM: **Jim Fleischmann, Town Planning Consultant**

RE: **Town Initiated Amendment to the Loxahatchee Groves Unified Land Development Code (ULDC) to Add Article 41 – Planned Unit Development (PUD)**

DATE: **April 3, 2012; Rev: May 2, 2012; June 7, 2012; July 5, 2012; July 12, 2012; July 30, 2012**

I. BACKGROUND INFORMATION

Per Section 05-070, the Town Council may amend the ULDC for the purposes of public necessity, convenience, general welfare, or good planning and zoning practice. Any amendment to the ULDC requires a super majority vote of four or more Council members.

The need for a planned unit development (PUD) ordinance initially arose as a result of the creation of the Multiple Land Use (MLU) future land use category and its assignment to two large parcels on Southern Boulevard. These parcels needed design flexibility to implement Town planning directives and conditions of approval not available in the ULDC.

The MLU designation can only be assigned to parcels of 50 acres or more in size located along Southern Boulevard. However, the PUD ordinance, as currently drafted, can be applied to other properties in Town, at the discretion of the Council.

The proposed PUD is a special type of floating overlay district which will not appear on the Town's Zoning Map until the designation is approved by the Town Council

II. GENERAL INFORMATION

A. APPLICANT: Town of Loxahatchee Groves.

B. PURPOSE: Properties assigned an MLU future land use designation on the Future Land Use Map would be eligible to apply for PUD approval. In addition, certain properties with a commercial future land use designation and located along Southern Boulevard would also be eligible to apply.

III. REQUESTED ULDC AMENDMENT

The applicant proposes to incorporate proposed Article 41 – Planned Unit Development (PUD) within the Town's ULDC. A copy of the proposed ULDC amendment is included in Attachment A.

IV. STAFF ANALYSIS

The proposed text amendment is reviewed in accordance with the following criteria, as listed in Section 160-020 of the ULDC.

A. REASON AND/OR NEED FOR THE PROPOSED TEXT CHANGE:

The basic purpose of a PUD is to implement Town MLU and certain properties with a commercial future land use designation in specified areas of the Town by providing opportunities for development patterns which exceed the expectations of standard zoning districts, implement the Comprehensive Plan and related special studies, allow for the creative use of land and, and result in quality development.

B. REASON THE PRESENT TEXT IS INVALID OR INAPPROPRIATE:

The current text of the ULDC is not necessarily invalid or inappropriate; however, the PUD process allows for greater flexibility to address Town issues early in the approval process. The requirement for approval of a master plan provides both the applicant and the Town the opportunity to "hash out" solutions to issues prior to preparation of the detailed drawings associated with site plan approval.

C. HOW DOES THE PROPOSED TEXT AMENDMENT FURTHER THE PURPOSES OF THE COMPREHENSIVE PLAN OR OTHER TOWN CODES, REGULATIONS OR PLANS DESIGNED TO IMPLEMENT THE COMPREHENSIVE PLAN:

The following general Future Land Use Element Comprehensive Plan directives can be specifically addressed as they relate to a development proposal during the review and approval process established by the PUD ordinance, including:

1. Policies 1.1.4(b) and (j) direct the Town to adopt land development regulations to assure that development is compatible with adjacent land uses, provide for open spaces, and buffer residential from non-residential uses.

2. Policy 1.3.1 directs the Town to adopt regulations for non-residential development that reflect the Rural Vista Guidelines.

3. Objective 1.12 directs the Town to consider changes to the future land use plan that create energy-efficient land use patterns.

4. Policy 1.12.5 directs the Town to reduce greenhouse gas emissions by reducing traffic congestion and air pollution by promoting a greenways/equestrian trail plan, cooperating with Palm Beach County for new and improved transit, and planning internal roadways and cross access between parcels.

5. Objective 1.15 allows the Town to impose conditions of approval on specific MLU parcels.

The following additional policies in the Transportation (TRANS), Recreation and Open Space (ROS) and Conservation (CONS) elements of the Comprehensive Plan are supportive of the proposed PUD ordinance:

1. Policy 2.5.1 (TRANS) directs the Town to encourage connectivity among all new developments in order to minimize impacts to the roadway network.

2. Policy 2.5.3 (TRANS) directs the Town to pursue all opportunities to provide adequate bus shelters.

3. Policy 2.7.2. (TRANS) directs the Town to encourage joint use of driveways and cross access agreements among adjoining property owners to allow circulation between sites.

4. Policy 5A.4.1 (ROS) directs the Town to require the provision of natural areas, land buffers, or trails in non-residential developments.

5. Policy 5A.4.2 (ROS) states that open space is needed in order to create vista, provide shade, and enhance the rural image and flavor of the Town.

6. Policy 4.1.4 (CONS) states that the Town shall promote the development of multi-use trails and increasing the efficiency of roadways.

7. Policy 4.2.8 (CONS) states that the Town shall provide for open space as part of the requirements for all development to promote shallow water aquifer recharge and stormwater filtration.
8. Policies 4.4.5 and 4.4.7 (CONS) state that the Town shall adopt standards to identify and designate local sensitive lands and tree canopies for protection and enhancement.

9. Policy 4.5.3 (CONS) states that the Town shall adopt landscaping standards to address the preservation of existing natural growth, regulation of invasive and exotic species and the promotion of native plant materials.

10. Policy 4.6.4 (CONS) states that the Town shall encourage buffering mechanisms to promote and enhance the rural, natural environment.

11. Policy 4.7.1 (CONS) states that buffering shall be required between wetlands and land uses that may negatively impact the wetland ecosystem.

In addition to the Comprehensive Plan, the Town has several additional planning documents that can be implemented through the PUD approval process, including: Master Roadway, Equestrian and Greenway Plan (MREG); SR 80/Southern Boulevard Conceptual Access Management Plan (SBCAMP) and the Guidelines for Loxahatchee Groves' Non-Residential Projects (Rural Vista Guidelines).

D. IS THERE AN ERROR OR AMBIGUITY TO BE CORECTED: There are no identified errors or ambiguities identified in the Town's current ULDC. Rather, the PUD process provides an additional opportunity to specifically apply Comprehensive Plan directives and address community issues early in the development approval process.

V. STAFF FINDINGS: Planning staff finds the proposed PUD ordinance to be generally consistent with the intent and direction of the Loxahatchee Groves Comprehensive Plan and the review criteria for a text amendment listed in Section 160-020 of the ULDC.

VI. STAFF RECOMMENDATION: Staff recommends approval of the proposed PUD ordinance, as presented in Attachment A.

VII. PLANNING AND ZONING BOARD ACTION: By unanimous vote, the Planning and Zoning Board (PZB), at its May 10, 2012 and June 14, 2012 meetings, deferred the proposed PUD ordinance to the July 12, 2012. Summaries of the issues raised at the two meetings, as well as staff responses, are included in Attachments B1 and B2. By unanimous vote, the PZB, at its July 12, 2012 recommended approval of the Proposed PUD ordinance, as attached.

VIII. TOWN COUNCIL ACTION: At its meeting on July 17, 2012, the Town Council requested several revisions to the proposed ordinance. A summary of the Council's request and staff responses are included in Attachment B3.

ATTACHMENT A
ARTICLE 41 – PLANNED UNIT DEVELOPMENT (PUD)
(Ref: Following Page)

LPA DRAFT March 26, 2012; Rev: May 2, 2012; June 7, 2012; July 5, 2012; July 12, 2012; July 30, 2012

ARTICLE 41 – PLANNED UNIT DEVELOPMENT (PUD)

Section 1 General

A. Purpose and Intent

The purpose of a PUD is to: (1) provide a zoning vehicle to implement the Multiple Land Use (MLU) future land use category and related special policies assigned to specific properties under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan; and (2) offer an alternative to standard commercial zoning to property owners meeting the location criteria specified in Sections 3B.1 to 3B.3 and who propose creative solutions to implement Town planning directives.

B. Applicability

The requirements of this Article shall apply to all parcels assigned a Multiple Land Use designation in the Comprehensive Plan. In addition, the requirements of this article, by Town Council approval, may apply to certain additional parcels assigned a Town commercial land use designation which encompass one or more plots and developed in conformance with an overall Master Plan.

C. Conflicts

If a conflict exists between this Article and other Articles in this code, the provisions of this Article shall apply to the extent of the conflict.

D. Location and Threshold

1. A PUD assigned a Multiple Land Use future land use designation shall meet the requirements of Policy 1.1.14 of the Future Land Use Element and any Special Policies assigned to the property under Objective 1.15 of the Comprehensive Plan.

2. A PUD assigned a commercial future land use designation, per Table 1-8 of the Comprehensive Plan, shall comply with the performance standards in Sections 3.B.1 to 3.B.3 of this Article and any Special Policies assigned to the property under Objective 1.15 of the Comprehensive Plan.

E. Development Order

Issuance of a development order for a PUD shall be deemed to authorize an amendment to the Town's Official Zoning Map.

1. Zoning Map Amendment

Any land which is the subject of a PUD approval shall be so designated on the Town's Official Zoning Map. Before any land is designated as a PUD on the Official Zoning Map, it shall receive approval pursuant to the standards and procedures for a rezoning pursuant to Part V: Development Review Procedures and Requirements of this Code. Further, any land assigned a PUD designation under this section shall have been previously assigned either an MLU Future Land Use designation or a commercial land use designation on the Town's Future Land Use Map.

2. Conditions

The Town Council may impose conditions of approval in a development order for a PUD to protect the public health, welfare and safety; to ensure compliance with the Comprehensive Plan and the requirements of this Code; to implement special planning studies completed by the Town; to ensure off-site road improvements are provided to address traffic impacts associated with the PUD; to ensure the dedication of public facilities; to ensure compatibility between land uses, including the use of buffers; and to ensure a quality development.

Any public representations regarding any of the above listed items made to the Town Council by the property owner or his designated agent during a duly noticed Council public hearing or Council meeting during the approval process of a related comprehensive plan amendment or rezoning shall be included within the conditions of approval in a development order for a PUD.

3. Successive Owners

Conditions imposed by the Town Council shall run with the land and shall be binding on all successors or assigns with an interest in the property.

4. Development Permits

a. A development permit shall not be issued for any land development in a PUD, nor shall any land development activity commence within a PUD prior to approval of a site plan pursuant to Article 155 of this Code for the affected area.

b. An internal lot, which constitutes a portion of an approved PUD Master Plan, and which is subject to final site plan approval, may be subdivided by fee title conveyance of said individual internal lot upon approval by the Town Manager, provided that:

1) Legal access to each internal lot in the Master Plan is provided by a common drive aisle in full compliance with all requirements of this Code.

2) The layout, location, and construction limits of structures within the internal lot are regulated by separation distances between structures rather than by setbacks from interior property lines.

~~3)~~ Individual internal lots are not subject to requirements for minimum area or dimensions under this Code.

4) A statement of the developer's intent to subdivide the property according to the provisions of Section 1.E.4.b. shall be included with the PUD application. Internal lot subdivision lines with bearings and distances shall be included on the approved site plan for the internal lot.

5) All lands within the perimeter of the internal lot are subject to a common recorded unity of control or other such maintenance and use covenants for access, parking, stormwater management, and other required common areas or facilities, as approved as to form and sufficiency by the Town Attorney.

6) The internal lot is delineated on a single boundary plat of record.

7) The entirety of the property included within the PUD Master Plan, including the internal lot, is depicted on a plat of record meeting the requirements of Article 140, Division I: Platting of this Code.

Section 2. Land Use and Development Regulations

Each PUD shall have an underlying land use designation, including Multiple Land Use (MLU), Commercial Low (CL) or Commercial Low Office (CL-O), as indicated on Map FLU – 1.10 and defined in Table 1.8 of the Future Land Use Element of the Comprehensive Plan.

A. Land Use

1. A PUD with an MLU future land use designation shall consist of designated land use areas, pods, phases or lots, each of which shall be assigned a land use category defined in Table 1.8 of the Future Land Use Element of the Comprehensive Plan.

2. Each PUD with Commercial future land use designation shall be assigned either a CL or CL-O future land use designation, as defined in Table 1.8 and assigned to the subject parcel on Map FLU – 1.10 of the Future Land Use Element of the Comprehensive Plan.

3. Specific permitted, accessory and conditional uses allowed in each area, pod, phase or lot of an MLU PUD, consistent with the land use categories assigned to the property by Special Policy under Objective 1.15 of the Comprehensive Plan, shall consist of those stated in the corresponding zoning districts (e.g. the Commercial Low zoning district implements the Commercial Low future land use category and the Institutional and Public Facilities zoning district implements the Institutional and Public Facilities future land use category, etc.).

4. Specific permitted, accessory and conditional uses allowed in a Commercial PUD shall consist of those stated in the zoning district which corresponds to the future land use category assigned to the property (i.e. the Commercial Low zoning district implements the Commercial Low future land use category and the Commercial Low-Office zoning district implements the Commercial Low Office future land use category).

B. Maximum Development Intensity

1. MLU PUD Development Density and Intensity. The maximum non-residential development potential of each area, pod or phase of a parcel assigned an MLU future land use designation shall be determined by multiplying its gross size, in square feet, by the intensity (maximum floor area ratio) of the associated non-residential land use category, as depicted in Table 1.8 of the Comprehensive Plan. The maximum residential development potential of each area, pod or phase of a parcel assigned an MLU future land use designation shall be determined by multiplying its gross size, in acres, by the density (maximum dwelling units per acre) of the associated residential land use category, as depicted in Table 1.8 of the Comprehensive Plan. The sum of maximum non-residential and residential development potentials of each area, pod or phase shall determine the maximum development potential of the PUD as a whole. However, the maximum development potential of an individual future land use designation of an MLU PUD shall not exceed any limitations imposed by Special Policy under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan. Land use and intensity may be further limited under Section 2.C.

2. Commercial PUD Development Intensity. The maximum development potential of a parcel assigned a Commercial Low or Commercial Low-Office future land use designation shall be determined by multiplying its gross size, in square feet, by the intensity (maximum floor area ratio) of the associated land use category, as depicted in Table 1.8 of the Future Land Use Element of the Comprehensive Plan or as specifically limited under Section 2.C.

C. Additional Limitations on Land Use and Maximum Intensity

The development potential of a PUD, as determined in Sections A and B, including use and intensity, as well as those of specific areas, pods, phases, or lots may be further limited by Special Policy under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan; concurrency reservation; conditions of a related development order; or the application of land development regulations in this Code.

D. Property Development Regulations

1. Property development within a PUD shall be governed by the land development regulations in this Code, subject to any limitations established by Special Policy under Objective 1.15 of the Comprehensive Plan and conditions of approval stated in the most recent approved Master Plan, site plan or plat.

2. Property development within each area, pod or phase of an MLU PUD shall be governed by zoning regulations in this Code that correspond to the future land use designation assigned to the property by Special Policy under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan (e.g. . the Commercial Low zoning district regulations implement the Commercial Low future land use category and the Institutional and Public Facilities zoning district regulations implement the Institutional and Public Facilities future land use category, etc.). Additional limitations may be established by Special Policy under Objective 1.15 of the Comprehensive Plan and conditions of approval stated in the most recent approved Master Plan, site plan or plat.

3. Property development within a Commercial PUD shall be governed by zoning regulations in this Code that correspond to the specific future land use designation assigned to the property (i.e. the Commercial Low zoning district regulations implement the Commercial Low future land use category and the Commercial Low-Office zoning district regulations implement the Commercial Low Office future land use category). Additional limitations may be established by Special Policy under Objective 1.15 of the Comprehensive Plan and conditions of approval stated in the most recent approved Master Plan, site plan or plat.

E. Waiver of Property Development Regulations

1. A waiver of a specific property development regulation in this Code may be requested as part of the application for PUD approval provided that, in no event, shall use, density or intensity limitations be exceeded. Any waiver shall be approved by the Town Council under Section 1.E.2. and, in addition, demonstrate that such waiver is necessary to best meet the PUD design objectives and standards stated in Section 3.A. The Town Council shall have the authority to grant a waiver of provisions of this Code relating to the following:

a) height
b) setbacks
c) parking and loading
d) landscaping and buffers
e) separation of uses

f) plot coverage
g) such other provisions of this Code which do not specifically prohibit such requests

2. A waiver or waivers may be granted to a proposed PUD upon demonstration of significant contributions to implementing Town planning objectives and maintaining its rural character. In order to determine the significance of a proposed waiver, the applicant must justify said waiver or waivers by addressing the following items in the Statement of Use:

a) identification, protection and enhancement of natural areas.
b) provision of open space and landscaping in excess of Code requirements.
c) provision of pervious area in excess of Code requirements.
d) preservation of native vegetation.
e) joint use of driveways.
f) cross-access opportunities.
g) additional specific Comprehensive Plan or other Town planning directives.

3. A waiver request shall be included in the Statement of Use required in Section 3.C.1.b.3, including justification for the request and public benefits accrued.

4. In no event shall a waiver be used as a means to increase the maximum development intensity limitations imposed by the Comprehensive Plan.

Section 3. Objectives and Standards

A. PUD Design Requirements

1. Compatibility and consistency with the Comprehensive Plan.

2. Compatibility and consistency with the following Town planning documents, or their successors: Master Roadway, Equestrian and Greenway Plan (MREG); SR-80/Southern Boulevard Conceptual Access Management Plan; and Guidelines for Loxahatchee Groves' Non-Residential Projects ("Rural Vista Guidelines").

3. A vehicular circulation system which interconnects each internal area, pod or phase and provides access to common Southern Boulevard road entrances to the PUD.

4. A vehicular circulation system which provides opportunities for connectivity with adjacent properties.

5. Preservation of existing native vegetation and other natural or historic features to the greatest extent possible and compliance with the Town's Native Tree Preservation, Soil Stabilization and Exotic Removal Ordinance.

6. Screening and buffering of off-site residential areas from non-residential PUD components.

7. Screening and/or buffering of objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters and compactors, etc.) from public view.

8. Minimize impervious surfaces and maximize open spaces.

B. PUD Performance Standards

1. PUDs shall have frontage on and legal access to Southern Boulevard. Individual interior PUD areas, pods, phases or lots may be provided access by a common access point or access points, as approved by the Town.

2. The minimum parcel size for an MLU/PUD shall be fifty (50) acres, consistent with the Comprehensive Plan.

3. The minimum frontage along Southern Boulevard for a CL/PUD or a CL-O/PUD shall be four hundred (400) feet and incorporate one of the following Southern Boulevard access scenarios: an existing Florida Department of Transportation (FDOT) approved driveway; a proposed driveway identified in the Town's SR-80/Southern Boulevard Conceptual Access Management Plan (SBCAMP); or an existing driveway that will be shared and gain approval by FDOT. The minimum depth from Southern Boulevard for a CL/PUD or a CL-O/PUD shall be at least equivalent to its depth.

4. Infrastructure improvements shall be provided to accommodate projected impacts, as determined by the Town's concurrency review process. Improvements shall be provided according to a schedule approved by the Town.

5. PUDs shall provide cross access to adjacent properties where possible and deemed appropriate by the Town.

6. The internal vehicular and non-vehicular circulation systems shall be designed and constructed in a manner that does not adversely impact drainage within or adjacent to the PUD.

7. At the discretion of the Town, public streets within a PUD shall connect to public streets in developments directly adjacent thereto. If no public streets exist, and the Town determines that a future public street is possible, a connection to the property line may be required in a location determined by the Town.

8. A PUD shall comply with the following unless waived by the Town.

a. The location of a Bus Stop, Boarding and Alighting Area (BSBAA) shall be shown on the Master Plan prior to approval by the Town, unless a written statement is received from Palm Tran that such a facility is not required for the construction of future mass transit infrastructure.

b. Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County, or appropriate alternative entity, an easement for a BSBAA in a location approved by PalmTran. The property owner shall construct continuous paved pedestrian and bicycle access compliant with the American with Disabilities Act (ADA) to and through the BSBAA.

9. All utility services located in a utility easement shall be installed underground or combination/alternative acceptable to the Town, with the following exceptions: primary electrical facilities and high voltage wires, lift stations, transformers, and other above ground structures necessary for the function of utility services. Such above ground structures shall be screened from view from adjacent rights-of-way by landscaping, fencing, walls, or a combination thereof.

10. Parking and loading for all uses in a PUD, subject to modifications permitted by the Town pursuant to Section 2.E and use and intensity limitations imposed by the Town, per Section 2.B and 2.C. above, shall be provided in compliance with Article 95. Parking and Loading of this Code.

11. As determined by the Town Council, perimeter landscape buffer requirements per Article 85 "Landscaping" of this Code may be

applied to the exterior boundaries of a CL/PUD or a CL-O/PUD, as opposed to the perimeters of each interior pod, phase or lot thereof. Additional exterior PUD perimeter landscape buffers adjacent to residential areas may be required by the Town Council in order to compensate for the loss of interior landscape buffer area approved in this manner.

12. Review and report by the Roadway Equestrian Trails and Greenway Advisory Committee (RETAG). Prior to review of a PUD by the Town Council, the RETAG shall review the PUD application regarding the need for and location of greenways, including equestrian trails, within the proposed PUD and provide a report to the Town Council through the adoption of a motion reflected in the minutes of the meeting. The applicant shall provide a written response to any issues discussed.

C. Application Requirements

1. For any proposed PUD, and prior to submittal of a formal PUD application, the applicant shall make a presentation at a Town Council public workshop to discuss the proposed PUD application and its implications for the Town and neighboring property owners.

2. In addition to the requirements of Article 110 and Section 160-010 of this Code, a qualified applicant shall submit the following information for a determination of PUD application completeness by the Town.

a. A Master Plan, subject to the following requirements.

1) The Master Plan, subject to any limiting conditions imposed by the Town by Special Policy under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan, which shall be the controlling document for the PUD.

2) All development uses, access and density and intensity in the PUD shall be consistent with the Master Plan, as well as any other conditions set forth therein.

3) All site plans, subdivisions and plats shall be consistent with the Master Plan.

4) Approval of a Master Plan by the Town shall be binding upon land owners subject to the PUD development order, their successors and assigns, and

shall constitute the principal development regulations of the land.

5) All areas, pods, phases or lots within the boundaries of a Master Plan shall be assigned an MLU, Commercial Low or Commercial Low Office land use designation as described in Table 1-8 of the Future Land Use Element of the Comprehensive Plan.

6) Each interior area, pod, phase or lot of a PUD shall clearly indicate the acreage and proposed density/intensity. Tabular data for the entire PUD shall be provided in a form acceptable to the Town.

b. The required Master Plan shall contain the following information:

1) Site acreage.

2) Site boundaries clearly identified, and ties to section corners.

3) Existing and proposed land uses and existing uses of adjacent lands. Proposed PUD uses shall be described in detail in a written Statement of Use, which shall become part of the approved Master Plan.

4) Preliminary site plan drawing meeting the requirements of Sections 155-010(B) through (J), (L), (M), and (R) of this Code.

5) Indication of vehicular connections to public rights-of way.

6) If applicable, a valid Conceptual Driveway Permit approval from the Florida Department of Transportation issued pursuant to the "State Highway System Access Management Classification System Standards", as amended.

7) Design Guidelines, including schematic elevations and a written statement of consistency with the Rural Vista Guidelines.

8) All adjacent public and private rights-of-way and easements, indication of ultimate right-of-way line, centerline, width, pavement or surface width, existing

or proposed median cuts and intersections, street light poles and other utility facilities and easements.

9) Indication of existing native vegetation that will be preserved.

10) A detail of the proposed buffer for screening along any property line adjacent to a residential zoning district addressing the removal of invasive vegetation and replanting.

11) Site data, including the maximum intensity permitted on site.

c. Proof of concurrency, including all supporting documents.

d. A study indicating the market feasibility of the proposed development.

e. A statement detailing how the proposed PUD implements the Comprehensive Plan.

f. Documentation of review by the Roadway Equestrian Trails and Greenway Advisory Committee (RETAG) regarding the need for and location of greenways, including equestrian trails, within the PUD, including a written response to RETAG comments and recommendations.

g. All land shown on a Master Plan shall receive approval of a site plan pursuant to Article 155 of this Code and plat pursuant to Article 140 of this Code.

i. Upon approval, the site plan and plat shall become the controlling documents for the land area addressed; however, land use, density and intensity, and access shall be consistent with the Master Plan.

ii. The re-designation or reconfiguration of an area, pod, phase or lot from one land use to another in a PCD with an MLU future land use designation shall require approval of the Town Council. However, in no event, shall re-designation or reconfiguration of an area, pod, phase or lot result in an increase in total PUD traffic generated by the

mix of land uses approved by the Town in the Master Plan.

D. Administrative Amendments

Upon application, based upon the recommendations by the Town's staff and consultants, an approved Master Plan may be administratively amended pursuant to the site plan amendment process set forth in Section 155-005(B) of the ULDC, and provided that such proposed amendment does not:

1. Alter a recorded plat;

2. Conflict with the specific requirements of this article;

3. Change the general character or content of approved master plan or site plan;

4. Have an appreciable affect upon adjoining or surrounding property;

5. Result in any substantial change of major external access points;

6. Increase the approved density or intensity of development of height or buildings; or

7. Decrease the specified setbacks and open spaces or specified parking and unloading spaces.

ATTACHMENT B1
PLANNED UNIT DEVELOPMENT (PUD) ISSUES
RAISED BY THE P & Z BOARD AND STAFF RESPONSES
May 10, 2012 Meeting

1. Issue – More restrictive waiver provisions.

Staff Response: *Section 1.E.5.b has been revised and moved to Section 2.E. Revisions include a list of items eligible for waiver consideration. Section 2.E.2 has been added prohibiting an increase in the maximum development intensity of a PUD due to granting of a waiver.*

2. Issue - Definition of the term "applicant".

***Staff Response*:** *Section 1.E.1 states that a PUD shall receive approval pursuant to the standards and procedures for a rezoning pursuant to Part V: Development and Review Procedures and Requirements of this Code (i.e. ULDC). Part V Section 110-010: "Qualified Applicants" details those parties that may apply. Since the PUD will become part of the ULDC, and subject to its requirements and procedures, no revisions are proposed.*

3. Issue - Specific and more complete and well-defined application requirements; provide more detailed list of documents required at application.

Staff Response: *General application requirements are provided in Section 110-025 of the ULDC. Supplemental rezoning application requirements are included in Section 160-010 of the ULDC (NOTE: A PUD application is to be processed as a rezoning application). Additional application requirements are included in Section 3.C of the proposed PUD ordinance. A PUD is subject to the ULDC general and rezoning application requirements, in addition to those proposed in Section 3.C. Added specific reference to ULDC Section 160-010 ""Supplemental application requirements" (rezoning) in PUD Section 3.C "Application Requirements.*

4. Issue - Provide for a preliminary and final application procedure.

Staff Response: *A PUD is to be processed as a rezoning and subject to the approval process. The principal feature of the PUD process is the requirement for a master plan. The master plan requirement provides an interim step between conventional rezoning and site plan approvals. Master plan application requirements include many of the basic requirements for a site plan without some*

of the more costly engineering and architectural requirements. In effect, the master plan becomes a preliminary site plan. Since this step has been added to the process, it is not necessary to add another. No revisions are proposed.

5. Issue - Preliminary application required at zoning and/or PUD application.

Staff Response: *The Town's general application procedures (Article 110 of the ULDC) include provisions for an optional pre-application conference and determination of completeness of all applications received. Application supplements and revisions can be accomplished through this process. No revisions are proposed.*

6. Issue - Restrict amendment approval process (Town Council?)

Staff Response: *The intent of administrative amendments is to provide a streamlined procedure to address minor amendments. PUD Section 3.D "Administrative Amendments" has been revised to include a list of items that may not be considered administratively.*

7. Issue - Qualify or quantify ambiguous terms.

Staff Response: *The following items have been revised to eliminate ambiguities:*

- *The terms "non-residential" land uses and "other than Agricultural Residential" zoning have been deleted from the PUD.*
- *The term "building site" has been deleted and replaced with "internal lot" in order to maintain consistency throughout the PUD. The definition of "internal lot" has been clarified.*
- *A list of items for which a waiver can be applied has been added.*
- *Section 1.E.5 has been relocated (Section 2.D) and expanded, clarifying the relationship between PUD land use categories and their implementing zoning regulations.*
- *Items that may be considered for a waiver have been added to Section 3.E.*
- *Location criteria and minimum parcel frontage and depth criteria needed to qualify for consideration of a PUD approval have been added to Section 3.B.*
- *Section 3.D "Administrative Amendments" has been revised to include a list of items that will not qualify for an administrative amendment.*

8. Issue - Restrict land use categories to MLU.

Staff Response: *The previous PUD draft allowed properties with any non-residential land use designation to apply. The PUD has been revised to limit applications to those with an MLU or commercial (i.e. CL or CL-O) future land use designation. In addition, location and parcel size (minimum Southern Boulevard frontage and depth standards).*

By limiting a PUD to MLU designated parcels (minimum 50 acres in size), it is possible that only one property (northeast corner of "B" Road and Southern Boulevard) will qualify. By such a limitation, the Town may miss additional opportunities to implement its planning directives included in the following documents: Loxahatchee Groves Comprehensive Plan; Master Roadway, Equestrian and Greenway Plan (MREG); SR-80/Southern Boulevard Conceptual Access Management Plan; and Guidelines for Loxahatchee Groves' Non-Residential Projects ("Rural Vista Guidelines"). In order to qualify for a PUD, a parcel must first be assigned an MLU or commercial future land use designation.

It is staff's opinion that allowing parcels with either an MLU or commercial land use designation to apply for PUD approval, provides the Town with the best opportunity to achieve its various planning directives.

9. Issue - Establish time limits for approval; define any extension procedures/criteria:

Staff Response: *As a development order, a PUD is subject to Section 05-040(B) of the ULDC which states that any permit or development order shall be valid for a period of 180 days from the date of issuance unless a different expiration date is otherwise provided for within the Code for a specific development order, or by official action of the Town Council. The Town Manager may renew such permit or for an additional 6-month period. After the date of expiration, the development order shall be null and void. A new development application shall be filed and subject to the current requirements of the ULDC.*

10. Issue - Add requirements for conformance to other provisions, e.g. Rural Vista Guidelines, MREG, other Studies.

Staff Response: *Consistency with the Town's various planning documents is included in Section 3.A "Design Objectives".*

11. Issue - Provide for appeal of Town Council decisions.

Staff Response: *The proposed PUD will be reviewed pursuant to the standards and procedures for a rezoning pursuant to Part V: Development Review Procedures and Requirements of this Code. Currently, there are no appeal provisions included in Part V. It is staff's opinion that the appeal of zoning*

decision by the Council is a more universal issue than is appropriately addressed in the PUD section of the ULDC. If the Planning and Zoning Board wishes to address this issue, it should be separately from its consideration of the PUD.

12. Issue - Expand the purpose and intent sections.

Staff Response: *Section 1.A "Purpose and Intent" has been revised to more specific as to its use.*

13. Issue - Provide definitive performance standards.

Staff Response: *Section 3.B "PUD Performance Standards" has been revised to more specifically define location, parcel dimension and access criteria.*

14. Issue - Provide waiver process and documentation process.

Staff Response: *Section 3.E "Waiver of Property Development Regulations" has been revised to expand upon the application process and documentation required.*

15. Issue - All overhead utilities must be placed underground.

Staff Response: *The requirement to place utility services underground is included in Section 3.B.9.*

ATTACHMENT B2
PLANNED UNIT DEVELOPMENT (PUD) ISSUES
RAISED BY THE P & Z BOARD AND STAFF RESPONSES
June 14, 2012 Meeting

1. Issue – In order to be granted a waiver, an applicant should be required to make a significant contribution to the implementation of Town planning objectives.

Staff Response: *The following language has been added to Section 2.E. "Waiver of Property Development Regulations":*

> *2. The granting of a waiver or waivers shall make a significant contribution to implementing Town planning objectives and maintaining its rural character. In order to determine the significance of a proposed waiver, the applicant must justify said waiver or waivers by addressing the following items in the Statement of Use:*
>
> > *a) identification, protection and enhancement of natural areas.*
> >
> > *b) provision of open space and landscaping in excess of Code requirements.*
> >
> > *c) provision of pervious area in excess of Code requirements.*
> >
> > *d) preservation of native vegetation.*
> >
> > *e) joint use of driveways.*
> >
> > *f) cross-access opportunities.*
> >
> > *g) additional specific Comprehensive Plan or other Town planning directives.*

2. Issue – Prior to submitting an application, an applicant should appear at a Town Council workshop.

Staff Response: *The following language has been added to Section 3.C. "Application Requirements":*

> *1. For any proposed development not previously publically heard, and prior to submittal of a formal PUD application, the applicant shall make a presentation at a Town Council public workshop to*

discuss the proposed PUD application and its implications for the Town and neighboring property owners.

3. Issue – Incorporation of horse trails needs to be considered in a PUD.

Staff Response: *The following language has been added to Section 3.B. "PUD Performance Standards":*

> *12. Coordination with the Roadway Equestrian Trails and Greenway Advisory Committee (RETAG) to determine the need for and location of equestrian trails within the PUD.*

4. Issue – Strengthen the procedures necessary to approve an administrative amendment.

Staff Response: *Section 3.D. "Administrative Amendments" is revised to read:*

> ***D. Administrative Amendments***
>
> *Upon application, based upon the recommendations by the Town's staff and consultants, an approved Master Plan may be administratively amended pursuant to the site plan amendment process set forth in Section 155-005(B) of the ULDC, and provided that such proposed amendment does not:*
>
> 1. Alter a recorded plat;
> 2. Conflict with the specific requirements of this article;
> 3. Change the general character or content of approved master plan or site plan;
> 4. Have an appreciable affect upon adjoining or surrounding property;
> 5. Result in any substantial change of major external access points;
> 6. Increase the approved intensity or intensity of development of height or buildings; or
> 7. Decrease the specified setbacks and open spaces or specified parking and unloading spaces.

ATTACHMENT B3
MAJOR PLANNED UNIT DEVELOPMENT (PUD) ISSUES RAISED BY THE TOWN COUNCIL AND STAFF RESPONSES
July 17, 2012 Meeting

1. Issue – Minimum parcel size and dimensions need to be revised, and any references to the Citrus/Tangerine Drive extension need to be deleted.

***Staff Response**: Section 3B: "PUD Performance Standards" has been revised. Previous Sections 3B2 and 3B3 which referenced a minimum parcel width and a depth from Southern Boulevard necessary to incorporate Citrus/Tangerine Drive has been deleted and replaced by the following language:*

> 2. The minimum parcel size for an MLU/PUD shall be fifty (50) acres, consistent with the Comprehensive Plan.
>
> 3. The minimum frontage along Southern Boulevard for a CL/PUD or a CL-O/PUD shall be four hundred (400) feet and incorporate one of the following Southern Boulevard access scenarios: an existing Florida Department of Transportation (FDOT) approved driveway; a proposed driveway identified in the Town's SR-80/Southern Boulevard Conceptual Access Management Plan (SBCAMP); or an existing driveway that will be shared and gain approval by FDOT. The minimum depth from Southern Boulevard for a CL/PUD or a CL-O/PUD shall be at least equivalent to its depth.

2. Issue – Elimination of perimeter buffer requirements for internal lots.

***Staff Response**: Section 3B.11 has been revised, as follows:*

> 11. As determined by the Town Council, perimeter landscape buffer requirements per Article 85 "Landscaping" of this Code may be applied to the exterior boundaries of a CL/PUD or a CL-O/PUD, as opposed to the perimeters of each interior pod, phase or lot thereof. Additional exterior PUD perimeter landscape buffers adjacent to residential areas may be required by the Town Council in order to compensate for the loss of interior landscape buffer area approved in this manner.

3. Issue – Improve coordination requirements with RETAG.

***Staff Response**: Sections 3B.12 and 3C.2.f has been revised, as follows:*

> 12. Review and report by the Roadway Equestrian Trails and Greenway Advisory Committee (RETAG). Prior to review of a PUD by the Town Council, the RETAG shall review the PUD application regarding the need

for and location of greenways, including equestrian trails, within the proposed PUD and provide a report to the Town Council through the adoption of a motion reflected in the minutes of the meeting. The applicant shall provide a written response to any issues discussed.

f. Documentation of review by the Roadway Equestrian Trails and Greenway Advisory Committee (RETAG) regarding the need for and location of greenways, including equestrian trails, within the PUD, including a written response to RETAG comments and recommendations.

TOWN OF LOXAHATACHEE GROVES

ORDINANCE NO. 2012-08

AN ORDINANCE OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE (ULDC), TO CREATE A NEW ARTICLE 41, ENTITLED "PLANNED UNIT DEVELOPMENT (PUD)"; PROVIDING FOR PURPOSES AND INTENT, LAND USE AND DEVELOPMENT INTENSITY REGULATIONS, OBJECTIVES AND STANDARDS INCLUSIVE OF DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS, APPLICATION REQUIREMENTS, AND AMENDMENTS TO APPROVED PUDS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town's Planning Consultant has recommended that the Town adopt a new zoning category, entitled Planned Unit Development ("PUD"), to facilitate development on property that exceeds expectations of standard zoning districts, implements the Town's Comprehensive Plan, and to allow for creative use of land and quality development; and,

WHEREAS, the adoption of a PUD zoning category for application within the Town furthers the purposes of the Town's Comprehensive Plan, particularly goals, objectives and policies within the Future Land Use Element, the Transportation Element, the Recreation and Open Space Element, and the Conservation Element; and,

WHEREAS, the Town's Planning and Zoning Board considered the proposed PUD zoning category at its May 10, June 14, and July 12, 2012, meetings and pursuant to Chapter 163, Part II, Florida Statutes, recommended that the Town Council approve the ordinance to create a PUD zoning category within the Town's ULDCs; and,

WHEREAS, the Town Council of Town of Loxahatchee Groves finds that the adoption of this ordinance, to create a PUD zoning category, 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:

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

Section 2: That the Town Council of the Town of Loxahatchee Groves, hereby amends the Town's Unified Land Development Code (ULDC) to create a new Article 41 to be entitled "Planned Unit Development (PUD)," which is attached hereto as **Exhibit "A"**, and incorporated herein by reference.

Section 3: Conflicts. 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 section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5: Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC.

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~~Strike-thru~~ represents deleted text, and underline represents added text.

Section 6: **Effective Date.** This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS ___ DAY OF _____, 2012.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS _____ DAY OF _____, 2012.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

_____
Mayor David Browning

_____
TOWN CLERK

_____
Vice Mayor Jim Rockett

_____
Council Member

APPROVED AS TO LEGAL FORM:

_____
Council Member

_____
Office of the Town Attorney

_____
Council Member

H:_GOV CLIENTS\LOX 1574_070240 GM\ORD 2012\Ord 2012-08 ULDC (PUD).doc

~~Strike-thru~~ represents deleted text, and underline represents added text.

ATTACHMENT A
ARTICLE 41 – PLANNED UNIT DEVELOPMENT (PUD)
(Ref: Following Page)

ATTACHMENT A
ARTICLE 41 – PLANNED UNIT DEVELOPMENT (PUD)
(Ref: Following Page)

LPA DRAFT March 26, 2012; Rev: May 2, 2012; June 7, 2012; July 5, 2012; July 12, 2012; July 30, 2012

ARTICLE 41 – PLANNED UNIT DEVELOPMENT (PUD)

Section 1 General

A. Purpose and Intent

The purpose of a PUD is to: (1) provide a zoning vehicle to implement the Multiple Land Use (MLU) future land use category and related special policies assigned to specific properties under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan; and (2) offer an alternative to standard commercial zoning to property owners meeting the location criteria specified in Sections 3B.1 to 3B.3 and who propose creative solutions to implement Town planning directives.

B. Applicability

The requirements of this Article shall apply to all parcels assigned a Multiple Land Use designation in the Comprehensive Plan. In addition, the requirements of this article, by Town Council approval, may apply to certain additional parcels assigned a Town commercial land use designation which encompass one or more plots and developed in conformance with an overall Master Plan.

C. Conflicts

If a conflict exists between this Article and other Articles in this code, the provisions of this Article shall apply to the extent of the conflict.

D. Location and Threshold

1. A PUD assigned a Multiple Land Use future land use designation shall meet the requirements of Policy 1.1.14 of the Future Land Use Element and any Special Policies assigned to the property under Objective 1.15 of the Comprehensive Plan.

2. A PUD assigned a commercial future land use designation, per Table 1-8 of the Comprehensive Plan, shall comply with the performance standards in Sections 3.B.1 to 3.B.3 of this Article and any Special Policies assigned to the property under Objective 1.15 of the Comprehensive Plan.

E. Development Order

Issuance of a development order for a PUD shall be deemed to authorize an amendment to the Town's Official Zoning Map.

1. Zoning Map Amendment

Any land which is the subject of a PUD approval shall be so designated on the Town's Official Zoning Map. Before any land is designated as a PUD on the Official Zoning Map, it shall receive approval pursuant to the standards and procedures for a rezoning pursuant to Part V: Development Review Procedures and Requirements of this Code. Further, any land assigned a PUD designation under this section shall have been previously assigned either an MLU Future Land Use designation or a commercial land use designation on the Town's Future Land Use Map.

2. Conditions

The Town Council may impose conditions of approval in a development order for a PUD to protect the public health, welfare and safety; to ensure compliance with the Comprehensive Plan and the requirements of this Code; to implement special planning studies completed by the Town; to ensure off-site road improvements are provided to address traffic impacts associated with the PUD; to ensure the dedication of public facilities; to ensure compatibility between land uses, including the use of buffers; and to ensure a quality development.

Any public representations regarding any of the above listed items made to the Town Council by the property owner or his designated agent during a duly noticed Council public hearing or Council meeting during the approval process of a related comprehensive plan amendment or rezoning shall be included within the conditions of approval in a development order for a PUD.

3. Successive Owners

Conditions imposed by the Town Council shall run with the land and shall be binding on all successors or assigns with an interest in the property.

4. Development Permits

a. A development permit shall not be issued for any land development in a PUD, nor shall any land development activity commence within a PUD prior to approval of a site plan pursuant to Article 155 of this Code for the affected area.

b. An internal lot, which constitutes a portion of an approved PUD Master Plan, and which is subject to final site plan approval, may be subdivided by fee title conveyance of said individual internal lot upon approval by the Town Manager, provided that:

1) Legal access to each internal lot in the Master Plan is provided by a common drive aisle in full compliance with all requirements of this Code.

2) The layout, location, and construction limits of structures within the internal lot are regulated by separation distances between structures rather than by setbacks from interior property lines.

~~3)~~ Individual internal lots are not subject to requirements for minimum area or dimensions under this Code.

4) A statement of the developer's intent to subdivide the property according to the provisions of Section 1.E.4.b. shall be included with the PUD application. Internal lot subdivision lines with bearings and distances shall be included on the approved site plan for the internal lot.

5) All lands within the perimeter of the internal lot are subject to a common recorded unity of control or other such maintenance and use covenants for access, parking, stormwater management, and other required common areas or facilities, as approved as to form and sufficiency by the Town Attorney.

6) The internal lot is delineated on a single boundary plat of record.

7) The entirety of the property included within the PUD Master Plan, including the internal lot, is depicted on a plat of record meeting the requirements of Article 140, Division I: Platting of this Code.

Section 2. Land Use and Development Regulations

Each PUD shall have an underlying land use designation, including Multiple Land Use (MLU), Commercial Low (CL) or Commercial Low Office (CL-O), as indicated on Map FLU – 1.10 and defined in Table 1.8 of the Future Land Use Element of the Comprehensive Plan.

A. Land Use

1. A PUD with an MLU future land use designation shall consist of designated land use areas, pods, phases or lots, each of which shall be assigned a land use category defined in Table 1.8 of the Future Land Use Element of the Comprehensive Plan.

2. Each PUD with Commercial future land use designation shall be assigned either a CL or CL-O future land use designation, as defined in Table 1.8 and assigned to the subject parcel on Map FLU – 1.10 of the Future Land Use Element of the Comprehensive Plan.

3. Specific permitted, accessory and conditional uses allowed in each area, pod, phase or lot of an MLU PUD, consistent with the land use categories assigned to the property by Special Policy under Objective 1.15 of the Comprehensive Plan, shall consist of those stated in the corresponding zoning districts (e.g. the Commercial Low zoning district implements the Commercial Low future land use category and the Institutional and Public Facilities zoning district implements the Institutional and Public Facilities future land use category, etc.).

4. Specific permitted, accessory and conditional uses allowed in a Commercial PUD shall consist of those stated in the zoning district which corresponds to the future land use category assigned to the property (i.e. the Commercial Low zoning district implements the Commercial Low future land use category and the Commercial Low-Office zoning district implements the Commercial Low Office future land use category).

B. Maximum Development Intensity

1. MLU PUD Development Density and Intensity. The maximum non-residential development potential of each area, pod or phase of a parcel assigned an MLU future land use designation shall be determined by multiplying its gross size, in square feet, by the intensity (maximum floor area ratio) of the associated non-residential land use category, as depicted in Table 1.8 of the Comprehensive Plan. The maximum residential development potential of each area, pod or phase of a parcel assigned an MLU future land use designation shall be determined by multiplying its gross size, in acres, by the density (maximum dwelling units per acre) of the associated residential land use category, as depicted in Table 1.8 of the Comprehensive Plan. The sum of maximum non-residential and residential development potentials of each area, pod or phase shall determine the maximum development potential of the PUD as a whole. However, the maximum development potential of an individual future land use designation of an MLU PUD shall not exceed any limitations imposed by Special Policy under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan. Land use and intensity may be further limited under Section 2.C.

2. Commercial PUD Development Intensity. The maximum development potential of a parcel assigned a Commercial Low or Commercial Low-Office future land use designation shall be determined by multiplying its gross size, in square feet, by the intensity (maximum floor area ratio) of the associated land use category, as depicted in Table 1.8 of the Future Land Use Element of the Comprehensive Plan or as specifically limited under Section 2.C.

C. Additional Limitations on Land Use and Maximum Intensity

The development potential of a PUD, as determined in Sections A and B, including use and intensity, as well as those of specific areas, pods, phases, or lots may be further limited by Special Policy under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan; concurrency reservation; conditions of a related development order; or the application of land development regulations in this Code.

D. Property Development Regulations

1. Property development within a PUD shall be governed by the land development regulations in this Code, subject to any limitations established by Special Policy under Objective 1.15 of the Comprehensive Plan and conditions of approval stated in the most recent approved Master Plan, site plan or plat.

2. Property development within each area, pod or phase of an MLU PUD shall be governed by zoning regulations in this Code that correspond to the future land use designation assigned to the property by Special Policy under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan (e.g. . the Commercial Low zoning district regulations implement the Commercial Low future land use category and the Institutional and Public Facilities zoning district regulations implement the Institutional and Public Facilities future land use category, etc.). Additional limitations may be established by Special Policy under Objective 1.15 of the Comprehensive Plan and conditions of approval stated in the most recent approved Master Plan, site plan or plat.

3. Property development within a Commercial PUD shall be governed by zoning regulations in this Code that correspond to the specific future land use designation assigned to the property (i.e. the Commercial Low zoning district regulations implement the Commercial Low future land use category and the Commercial Low-Office zoning district regulations implement the Commercial Low Office future land use category). Additional limitations may be established by Special Policy under Objective 1.15 of the Comprehensive Plan and conditions of approval stated in the most recent approved Master Plan, site plan or plat.

E. Waiver of Property Development Regulations

1. A waiver of a specific property development regulation in this Code may be requested as part of the application for PUD approval provided that, in no event, shall use, density or intensity limitations be exceeded. Any waiver shall be approved by the Town Council under Section 1.E.2. and, in addition, demonstrate that such waiver is necessary to best meet the PUD design objectives and standards stated in Section 3.A. The Town Council shall have the authority to grant a waiver of provisions of this Code relating to the following:

a) height
b) setbacks
c) parking and loading
d) landscaping and buffers
e) separation of uses

f) plot coverage
g) such other provisions of this Code which do not specifically prohibit such requests

2. A waiver or waivers may be granted to a proposed PUD upon demonstration of significant contributions to implementing Town planning objectives and maintaining its rural character. In order to determine the significance of a proposed waiver, the applicant must justify said waiver or waivers by addressing the following items in the Statement of Use:

a) identification, protection and enhancement of natural areas.
b) provision of open space and landscaping in excess of Code requirements.
c) provision of pervious area in excess of Code requirements.
d) preservation of native vegetation.
e) joint use of driveways.
f) cross-access opportunities.
g) additional specific Comprehensive Plan or other Town planning directives.

3. A waiver request shall be included in the Statement of Use required in Section 3.C.1.b.3, including justification for the request and public benefits accrued.

4. In no event shall a waiver be used as a means to increase the maximum development intensity limitations imposed by the Comprehensive Plan.

Section 3. Objectives and Standards

A. PUD Design Requirements

1. Compatibility and consistency with the Comprehensive Plan.

2. Compatibility and consistency with the following Town planning documents, or their successors: Master Roadway, Equestrian and Greenway Plan (MREG); SR-80/Southern Boulevard Conceptual Access Management Plan; and Guidelines for Loxahatchee Groves' Non-Residential Projects ("Rural Vista Guidelines").

3. A vehicular circulation system which interconnects each internal area, pod or phase and provides access to common Southern Boulevard road entrances to the PUD.

4. A vehicular circulation system which provides opportunities for connectivity with adjacent properties.

5. Preservation of existing native vegetation and other natural or historic features to the greatest extent possible and compliance with the Town's Native Tree Preservation, Soil Stabilization and Exotic Removal Ordinance.

6. Screening and buffering of off-site residential areas from non-residential PUD components.

7. Screening and/or buffering of objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters and compactors, etc.) from public view.

8. Minimize impervious surfaces and maximize open spaces.

B. PUD Performance Standards

1. PUDs shall have frontage on and legal access to Southern Boulevard. Individual interior PUD areas, pods, phases or lots may be provided access by a common access point or access points, as approved by the Town.

2. The minimum parcel size for an MLU/PUD shall be fifty (50) acres, consistent with the Comprehensive Plan.

3. The minimum frontage along Southern Boulevard for a CL/PUD or a CL-O/PUD shall be four hundred (400) feet and incorporate one of the following Southern Boulevard access scenarios: an existing Florida Department of Transportation (FDOT) approved driveway; a proposed driveway identified in the Town's SR-80/Southern Boulevard Conceptual Access Management Plan (SBCAMP); or an existing driveway that will be shared and gain approval by FDOT. The minimum depth from Southern Boulevard for a CL/PUD or a CL-O/PUD shall be at least equivalent to its depth.

4. Infrastructure improvements shall be provided to accommodate projected impacts, as determined by the Town's concurrency review process. Improvements shall be provided according to a schedule approved by the Town.

5. PUDs shall provide cross access to adjacent properties where possible and deemed appropriate by the Town.

6. The internal vehicular and non-vehicular circulation systems shall be designed and constructed in a manner that does not adversely impact drainage within or adjacent to the PUD.

7. At the discretion of the Town, public streets within a PUD shall connect to public streets in developments directly adjacent thereto. If no public streets exist, and the Town determines that a future public street is possible, a connection to the property line may be required in a location determined by the Town.

8. A PUD shall comply with the following unless waived by the Town.

a. The location of a Bus Stop, Boarding and Alighting Area (BSBAA) shall be shown on the Master Plan prior to approval by the Town, unless a written statement is received from Palm Tran that such a facility is not required for the construction of future mass transit infrastructure.

b. Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County, or appropriate alternative entity, an easement for a BSBAA in a location approved by PalmTran. The property owner shall construct continuous paved pedestrian and bicycle access compliant with the American with Disabilities Act (ADA) to and through the BSBAA.

9. All utility services located in a utility easement shall be installed underground or combination/alternative acceptable to the Town, with the following exceptions: primary electrical facilities and high voltage wires, lift stations, transformers, and other above ground structures necessary for the function of utility services. Such above ground structures shall be screened from view from adjacent rights-of-way by landscaping, fencing, walls, or a combination thereof.

10. Parking and loading for all uses in a PUD, subject to modifications permitted by the Town pursuant to Section 2.E and use and intensity limitations imposed by the Town, per Section 2.B and 2.C. above, shall be provided in compliance with Article 95. Parking and Loading of this Code.

11. As determined by the Town Council, perimeter landscape buffer requirements per Article 85 "Landscaping" of this Code may be

applied to the exterior boundaries of a CL/PUD or a CL-O/PUD, as opposed to the perimeters of each interior pod, phase or lot thereof. Additional exterior PUD perimeter landscape buffers adjacent to residential areas may be required by the Town Council in order to compensate for the loss of interior landscape buffer area approved in this manner.

12. Review and report by the Roadway Equestrian Trails and Greenway Advisory Committee (RETAG). Prior to review of a PUD by the Town Council, the RETAG shall review the PUD application regarding the need for and location of greenways, including equestrian trails, within the proposed PUD and provide a report to the Town Council through the adoption of a motion reflected in the minutes of the meeting. The applicant shall provide a written response to any issues discussed.

C. Application Requirements

1. For any proposed PUD, and prior to submittal of a formal PUD application, the applicant shall make a presentation at a Town Council public workshop to discuss the proposed PUD application and its implications for the Town and neighboring property owners.

2. In addition to the requirements of Article 110 and Section 160-010 of this Code, a qualified applicant shall submit the following information for a determination of PUD application completeness by the Town.

a. A Master Plan, subject to the following requirements.

1) The Master Plan, subject to any limiting conditions imposed by the Town by Special Policy under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan, which shall be the controlling document for the PUD.

2) All development uses, access and density and intensity in the PUD shall be consistent with the Master Plan, as well as any other conditions set forth therein.

3) All site plans, subdivisions and plats shall be consistent with the Master Plan.

4) Approval of a Master Plan by the Town shall be binding upon land owners subject to the PUD development order, their successors and assigns, and

shall constitute the principal development regulations of the land.

5) All areas, pods, phases or lots within the boundaries of a Master Plan shall be assigned an MLU, Commercial Low or Commercial Low Office land use designation as described in Table 1-8 of the Future Land Use Element of the Comprehensive Plan.

6) Each interior area, pod, phase or lot of a PUD shall clearly indicate the acreage and proposed density/intensity. Tabular data for the entire PUD shall be provided in a form acceptable to the Town.

b. The required Master Plan shall contain the following information:

1) Site acreage.

2) Site boundaries clearly identified, and ties to section corners.

3) Existing and proposed land uses and existing uses of adjacent lands. Proposed PUD uses shall be described in detail in a written Statement of Use, which shall become part of the approved Master Plan.

4) Preliminary site plan drawing meeting the requirements of Sections 155-010(B) through (J), (L), (M), and (R) of this Code.

5) Indication of vehicular connections to public rights-of way.

6) If applicable, a valid Conceptual Driveway Permit approval from the Florida Department of Transportation issued pursuant to the "State Highway System Access Management Classification System Standards", as amended.

7) Design Guidelines, including schematic elevations and a written statement of consistency with the Rural Vista Guidelines.

8) All adjacent public and private rights-of-way and easements, indication of ultimate right-of-way line, centerline, width, pavement or surface width, existing

or proposed median cuts and intersections, street light poles and other utility facilities and easements.

9) Indication of existing native vegetation that will be preserved.

10) A detail of the proposed buffer for screening along any property line adjacent to a residential zoning district addressing the removal of invasive vegetation and replanting.

11) Site data, including the maximum intensity permitted on site.

c. Proof of concurrency, including all supporting documents.

d. A study indicating the market feasibility of the proposed development.

e. A statement detailing how the proposed PUD implements the Comprehensive Plan.

f. Documentation of review by the Roadway Equestrian Trails and Greenway Advisory Committee (RETAG) regarding the need for and location of greenways, including equestrian trails, within the PUD, including a written response to RETAG comments and recommendations.

g. All land shown on a Master Plan shall receive approval of a site plan pursuant to Article 155 of this Code and plat pursuant to Article 140 of this Code.

i. Upon approval, the site plan and plat shall become the controlling documents for the land area addressed; however, land use, density and intensity, and access shall be consistent with the Master Plan.

ii. The re-designation or reconfiguration of an area, pod, phase or lot from one land use to another in a PCD with an MLU future land use designation shall require approval of the Town Council. However, in no event, shall re-designation or reconfiguration of an area, pod, phase or lot result in an increase in total PUD traffic generated by the

mix of land uses approved by the Town in the Master Plan.

D. Administrative Amendments

Upon application, based upon the recommendations by the Town's staff and consultants, an approved Master Plan may be administratively amended pursuant to the site plan amendment process set forth in Section 155-005(B) of the ULDC, and provided that such proposed amendment does not:

1. Alter a recorded plat;

2. Conflict with the specific requirements of this article;

3. Change the general character or content of approved master plan or site plan;

4. Have an appreciable affect upon adjoining or surrounding property;

5. Result in any substantial change of major external access points;

6. Increase the approved density or intensity of development of height or buildings; or

7. Decrease the specified setbacks and open spaces or specified parking and unloading spaces.

ITEM 7. – RESOLUTIONS

TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

TO: Mayor and Town Council

FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM

DATE: August 2, 2012

SUBJECT: Resolution Supporting Palm Beach County's Continued Allocation of The $12.50 Funds to Municipalities

I. BACKGROUND/HISTORY

On June 27th the Board of Directors of the Palm Beach County League of Cities unanimously approved creating a resolution strongly supporting Palm Beach County's continued allocation of the $12.50 funds to the municipalities pursuant to County resolution No.R-2002-0192 which serves to enhance the County's intergovernmental communications plan. Further the resolution strongly supports the disbursement of the $12.50 funds to cover expenses for all municipalities that have radio systems that are functionally interoperable with the County's radio system. The League Board of Directors is requesting that each city adopt the resolution in support of the League's position on this issue which is critical to the continued safety and well-being of the citizenry.

II. DISCUSSION

A resolution patterned after the suggested sample by the League is provided for Town Council consideration. The League requests that the adopted resolution be forwarded to Palm Beach County prior to August 21 which is the date when the Palm Beach County Board of Commissioners will consider the matter. Those cities that have service contracts with Palm Beach Sheriff's Office are not directly effected by this set of circumstances. However, the Palm Beach County league of Cities desires to show strong support and solidarity among the members of the League.

III. FISCAL IMPACT

None identified.

IV. ATTACHMENTS

None

V. RECOMMENDATION

Town Management recommends that the Town Council adopt the resolution

RESOLUTION NO. 2012-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, STRONGLY SUPPORTING THE COUNTY'S CONTINUED ALLOCATION OF THE $12.50 FUNDS TO THE MUNICIPALITIES PURSUANT TO COUNTY RESOLUTION NO. R-2002-0192, WHICH SERVES TO ENHANCE THE COUNTY'S INTERGOVERNMENTAL COMMUNICATIONS PLAN; AND STRONGLY SUPPORTING THE COUNTY'S DISBURSEMENT OF THE $12.50 FUNDS TO COVER EXPENSES FOR ALL MUNICIPALITIES THAT HAVE RADIO SYSTEMS THAT ARE FUNCTIONALLY INTEROPERABLE WITH THE COUNTY'S RADIO SYSTEM WITHOUT ARBITRARY DISTINCTIONS BEING MADE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Section 318.21(9), *Florida Statutes*, authorizes Palm Beach County to receive twelve dollars and fifty cents (the "$12.50 Funds") from each moving traffic violation written by municipal law enforcement officers under limited circumstances in order to fund the county's participation in an intergovernmental radio communication program approved by the State Department of Management Services; otherwise those monies must be distributed to the municipality in which the violations occurred; and

WHEREAS, the intent and spirit of Section 318.21(9), *Florida Statutes*, is for the $12.50 Funds to be used to create and maintain interoperability of agencies within a countywide intergovernmental radio communications program which includes all municipalities; and

WHEREAS, on February 5, 2002, the Board of County Commissioners adopted Resolution No. R-2002-0192, which allocated the $12.50 Funds generated by the municipal law enforcement officers to the municipalities in order to encourage the interoperability of municipal communications systems with the countywide public safety communications system and to enhance the Palm Beach County's Intergovernmental Radio Communications Plan; and

WHEREAS, the municipalities in Palm Beach County have been working diligently to build and enhance their own communications systems to become interoperable with that of Palm Beach County; and

WHEREAS, this program has resulted in all municipalities being interoperable with Palm Beach County's system; and

WHEREAS, the Town of Loxahatchee Groves has learned that County Staff intends to recommend that the Board of County Commissioners rescind County Resolution R-2002-0192, terminate all future disbursements of the municipal $12.50 Funds to the municipalities and sweep

all remaining balances currently in the "Municipal Org" to the "County Org" so that those moneys will no longer be available to municipalities for their communications systems even though several municipalities have considerable sums of money in their allocation column and have relied on those funds in constructing extensive communication systems to connect with that of Palm Beach County; and

WHEREAS, the Town of Loxahatchee Groves has also learned that County Staff is refusing to disburse $12.50 Funds to municipalities that have chosen to utilize the Municipal Public Safety Communication Consortium's (the "MPSCC") system to become interoperable with Palm Beach County's system, which include but are not limited to the Town of Jupiter, the City of Palm Beach Gardens and the City of Atlantis, even though the MPSCC's system enables those municipalities to be interoperable with Palm Beach County's radio system; and

WHEREAS, the continuation of this program has been endorsed by the Criminal Justice Commission and the Palm Beach County Association of Chiefs of Police and is proposed to be endorsed by the Law Enforcement Planning Council on August 2, 2012, indicating the recognition by those agencies that the $12.50 Fund allocation is necessary for the maintenance and enhancements of the countywide communications system to provide for the well being of all citizens of Palm Beach County.

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

SECTION 1: The Town of Loxahatchee Groves strongly supports the continued allocation of the $12.50 Funds to all municipalities pursuant to Resolution No. 2002-0192. Such continued allocation is essential to maintaining the interoperability of all municipal communications systems with the countywide public safety communications system. Such continued allocation further enhances participation in the Palm Beach County Intergovernmental Communications Plan. Therefore, the Town of Loxahatchee Groves strongly requests that the Board of County Commissioners deny any requests to rescind Resolution No. 2002-0192 and/or to terminate the $12.50 Funds allocation program.

SECTION 2: The Town of Loxahatchee Groves strongly supports the County's approval of requests for reimbursement from the $12.50 Funds made by all municipalities

including those utilizing the MPSCC system to become interoperable with Palm Beach County's system, which include, but are not limited to, the Town of Jupiter, the City of Palm Beach Gardens and the City of Atlantis. All municipal radio systems are functionally interoperable with Palm Beach County's radio system and the Town of Loxahatchee Groves believes that County Staff has rejected certain requests for disbursement based on arbitrary and unsupported distinctions.

SECTION 3: The Town Council of the Town of Loxahatchee Groves, Florida, believes the $12.50 allocation is necessary for the maintenance and enhancements of the countywide communications system to provide for the well being of all citizens of Palm Beach County.

SECTION 4: This Town Council directs the Town of Loxahatchee Groves Municipal Clerk to transmit the executed Resolution to each of the Palm Beach County Commissioners, and to County Administrator Robert Weisman, at Palm Beach County Governmental Center, 301 North Olive Avenue, Suite 1101, West Palm Beach, FL 33401, prior to August 21, 2012, when the Board of County Commissioners will consider this matter.

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SECTION 5: This resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 7th day of August, 2012.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

_____
Mayor David Browning

_____
Vice Mayor Jim Rockett

_____
Council Member Tom Goltzené

_____
Council Member Ron Jarriel

_____
Council Member Ryan Liang

ATTEST:

(SEAL)

_____
TOWN CLERK

APPROVED AS TO LEGAL FORM:

_____
Office of the Town Attorney

ITEM 8. – ADMINISTRATIVE UPDATE

(Will be provided verbally by Town Manager Kutney)

ITEM 9.a. – OLD BUSINESS

From: Jim Rockett
Sent: Monday, July 16, 2012 5:36 PM
To: Mark Kutney
Cc: Mike Cirullo
Subject: Council Mtg 7/17 Agenda Item 9d - Speed Humps

Mark, can you forward the following information relative to the above speed hump agenda item:

I would like the Council to consider as the standard for Lox Groves the 30mph speed humps/ bumps located on two (2) road segments, east of 140th Ave between 140th Ave and Avocado Blvd, on 44th Place and on Persimmon Blvd. Each ½ mile of paved road contain 2 speed hump / bumps each spaced about 800 – 900 feet apart. The humps are about 38 feet wide and appear to be about 4" high. Those in the Groves today are about 13 – 14' wide and 4 – 5" high. According to one resident on 44th Ave these humps were designed and installed by the County.

While representing a speed limit of 30mph, these humps provide a comfortable speed calming device for many different vehicle sizes due primarily to their width. If any of the Council members have an opportunity to drive over these humps with any and all types of vehicles available to them, I suggest you would be inclined to consider them as a standard for the Groves.

Best regards,

Jim Rockett
Council Member

ITEM 10. a.– NEW BUSINESS

Unified Land Development Code (ULDC) Review

TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

TO: Mayor and Town Council

FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM

DATE: August 2, 2012

SUBJECT: Unified Land development Code (ULDC) Review

I. BACKGROUND/HISTORY

On April 17, 2012, Vice Mayor Rockett requested that the Town Council hire a professional to review two drafts of the ULDC that were termed "original" and "target" and report back to Town Council. Councilman Jarriel seconded the motion and the motion carried 5/0. Town Management acquired thee quotes to undertake the assignment and Land Research Management, Inc. (LRM) was awarded the assignment at a quoted price of $3, 575.00.

II. DISCUSSION

LRM has completed the review of the "original" and "target" versions of the two ULDC drafts. Accompanying this agenda report is the summary analysis provided by the consultant. There are numerous differences between the two versions and the consultant will be at the August 7th Town Council Meeting to present his review findings.

III. FISCAL IMPACT

As indicated above, the total amount to conduct this assignment was $ 3,575.00.

IV. ATTACHMENTS

July 24, 2012 comparison report by LRM

V. RECOMMENDATION

Town Management will bring the two documents "original" and "target" to the Town Council Meeting. Upon completion of the Consultant's verbal presentation, Town Council may desire to review both documents and these documents will be kept in Town Offices. The Town Council may take additional time to review the report presented prior to consideration of future actions.

LRM

ZONING & URBAN PLANNING
MARKET RESEARCH & ANALYSIS
ENVIRONMENTAL ASSESSMENTS

LAND RESEARCH MANAGEMENT, INC.
2240 PALM BEACH LAKES BLVD. • SUITE 103
WEST PALM BEACH, FLORIDA 33409
TEL: (561) 686-2481 • FAX; 681-1551

TO: Mark Kutney, Town Manager

FROM: Jim Fleischmann, Town Planning Consultant

RE: Comparison of "Original" and "Target" versions of the Loxahatchee Groves Unified Land Development Code (ULDC)

DATE: July 24, 2012

M E M O R A N D U M

We have completed a line-by-line comparison of the "Original" and "Target" Versions of the ULDC and prepared the attached table which summarizes the differences between the two.

The following are presented as a guide to the use and interpretation of the table entitled: Comparative Table – ULDC "Original" Version Versus "Target" Version (i.e. Table):

1. The Table consists of the following three basic columns; Code Section/Title (i.e. sections and titles common to both versions), "Original" Version page numbers and text citations, and "Target" Version page numbers and text citations.

2. "Original" Version text citations that are changed in the "Target" Version are highlighted in blue.

3. "Target" Version text citations that are changed from text in the "Original" Version are highlighted in yellow.

By comparing text highlighted in blue ("Original" Version) with text highlighted in yellow ("Target" Version), the differences between the two Versions are apparent.

Jim Fleischmann

Encl(1): Comparative Table – ULDC "Original" Version Versus "Target" Version

COMPARATIVE TABLE – ULDC "ORIGINAL" VERSION VERSUS "TARGET" VERSION

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Table of Contents	2	Section 15-030: Incidental uses	iii	Section 15-30~~: Incidental uses~~. Uses as of October 1, 2006
Table of Contents	3	Section 50-020: Ground vibration	v	Section 50-020: ~~Ground~~ Vibration
Table of Contents	4	Article 65: Bona Fide Agricultural Uses	vi	Article 65: Agricultural Uses
Table of Contents	4	Section 65-010: Determination of bona fide agricultural use	vi	Section 65-010: Determination of valid agricultural use
Table of Contents	4	Section 80-015 Home offices	vi	~~Section 80-015Home offices~~ Residential Enterprise
Table of Contents	4	Section 80-050: Chipping and mulching	vii	Section 80-050: Commercial chipping and mulching
Table of Contents	6	PART V: DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS	ix	EXAMPLE OF SITE DISTANCE TRIANGLE PART V: DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS
Table of Contents	8	Section 140-050: Platted reservations and dedications	xii	~~Section 140-050: Platted reservations and dedications~~
Section 05-040(A)	11	(A) It shall be unlawful to use, erect, move, or otherwise alter a building, structure, or part thereof; or use, clear, fill, excavate, move, pave, grade, or otherwise alter land or water unless a permit consistent with all applicable provisions of the ULDC shall have been first obtained for such work, with the following exceptions: 1) No permits are required in the course of performing maintenance to land and property including: a) existing structures can be repaired without a permit, however, expanding a structure is not permitted; b) grading driveways; c) clearing land of exotics plant species (see ERM Section of this document) d) filling sinkholes, rebuilding washout areas near drainage works. This does not include filling natural wetlands or existing ponds; e) Excavating is permitted to enhance drainage Excavating for the purpose of using the material as fill, aka mining, is not permitted; f) Excavating existing ponds to remove debris and muck is permitted. The depth of the pond cannot exceed 12 ft. 2) Permits are required for major repairs, i.e. greater than 25% of the building; 3) Permits from the Town, LGWCD and SFWMD are required for filling existing ponds. Note: reclaimed screen materials (RSM), construction demolition (C&D) debris, tires, vehicles, including parts thereof, all metals, all hazardous chemicals or containers thereor or anything else that you would not want to eat or drink is prohibited to be used as fill for ponds or wetlands.	3	(A) It shall be unlawful to use, erect, move, or otherwise alter a building, structure, or part thereof; or use, clear, fill, excavate, move, pave, grade, or otherwise alter land or water unless a permit consistent with all applicable provisions of the ULDC shall have been first obtained for such work~~, except that this provision shall not be deemed to require issuance of building permits for the erection, movement or alteration of buildings and structures used for a bona fide agricultural use. The Town shall establish all requirements for such permits, including but not limited to, application requirements, fees, and required inspections, except that fees for permits issued under the Florida Building Code may be set by Palm Beach County to the extent it is under contract to issue such permits for the Town.~~ With the following exceptions, which will not require a permit: 1) repairs to existing buildings and structures, the extent allowed by the Florida Building Code and other applicable codes and ordinances; 2) grading driveways; 3) removal of exotic plant species; 4) filling sinkholes and rebuilding washout areas near drainage structures; 5) excavating to enhance drainage; 6) excavating existing ponds to a depth not to exceed 12 feet solely for the purpose of removing debris and muck.
Section 05-040(A)	12	(A) No development order or permit shall be issued that is not in conformity with all the provisions of the ULDC and the adopted Comprehensive Plan.	4	(A) No development order or permit shall be issued that is not in conformity with all the provisions of the ULDC, the adopted Comprehensive Plan and the Rural Vista Guidelines as adopted by the Town Council, as well as all applicable ordinances and regulations.

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 05-075	12	The Town is hereby authorized and empowered to prescribe the width of roads and other thoroughfares and setbacks for those roads under control of the Town. All plats of lands lying within the Town limits shall comply with Town or Loxahatchee Groves Water Control District (LGWCD), as applicable, road width requirements as a prerequisite of the approval for plat recording. The widths of federal, state and county roads shall be as prescribed by the applicable Department of Transportation and Palm Beach County. New development shall be required to dedicate right-of-way or grant ingress and egress easement rights, at the Town's or LGWCD choosing, as applicable, as necessary to satisfy the minimum width requirements of this code for right-of-way.	6	The Town is hereby authorized and empowered to prescribe the width of roads and other thoroughfares and setbacks therefrom for those roads under control of the Town. All plats of lands lying within the Town limits shall comply with Town or Loxahatchee Groves Water Control District (LGWCD), as applicable, road width requirements as a prerequisite of the approval for plat recording. The widths of federal, state and county roads shall be as ~~such may be~~ prescribed by the applicable Department of Transportation and Palm Beach County. New development shall be required to dedicate right-of-way or grant ingress and egress easement rights, at the Town's or LGWCD choosing, as applicable, as necessary to satisfy the minimum width requirements of this code for right-of-way.
Section 05-080	13	The Town Council of the Town of Loxahatchee Groves is authorized and empowered to name or number any road or thoroughfare within the Town limits over which the Town has jurisdiction, and to change such names or numbers. The Town is authorized to designate and issue house numbers for properties abutting such roads or other thoroughfare.	6	The Town Council of the Town of Loxahatchee Groves is authorized and empowered to name or number any ~~other~~ road or thoroughfare within the Town limits over which the Town has jurisdiction, and to change such names or numbers. The Town is authorized to designate and issue house numbers for properties abutting such roads or other thoroughfare.
Section 10-015	15	Abandoned. To give up with the intent of never again claiming a right or interest in or to cease from maintaining, practicing, or using; as in abandoned property.	10	Definition not included
Section 10-015	15	Definition not included	10	Abandonment. To stop the use of property intentionally. When the use of property has ceased and the property has been vacated for six months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent, substantially repair or use the property for a legally permissible use.
Section 10-015	16	Definition not included	11	Agriculture, bona fide. A business that receives a reduction in property tax due to the use of part or all of the property for the production of products as defined under "Agriculture" in Section 10-015. See Ch 193.461 F.S. and Article 65 "Bona Fide Agricultural Uses" of the Unified Land Development Code.
Section 10-015	16	Animal, domesticated. Any warm blooded animal that is capable of, and customarily and routinely peacefully coexists with humans within the confines of a residential unit (See Domesticated Animals)	12	Animal, domesticated. ~~Any warm blooded animal that is capable of, and customarily and routinely peacefully coexists with humans within the confines of a residential unit.~~ Any animal that been bred or raised to live in or about the habitation of humans.
Section 10-015	16	Definition not included	12	Animal, large. Any animal with a body weight or more than 20 pounds.
Section 10-015	16	Definition not included	12	Animal, small. Any animal with a body weight of 20 or fewer pounds.
Section 10-015	16	Arterial or arterial roadway. A street having that meaning given in Section 334.03 Florida Statutes, as may be amended from time to time. Arterials are identified in the Transportation Element of the Comprehensive Plan. An arterial road is a moderate or high capacity road which is immediately below a highway level of service. Much like a biological artery, an arterial road carries large volumes of traffic between two urban centers. They are noted for their lack of residential entrances directly onto the road (except in older or denser communities); they are designed to carry traffic between neighbourhoods, and have intersections with collector and local streets. Often, commercial areas such as shopping centers, gas stations and other businesses are located on them. Arterial roads also link up to expressways and freeways with interchanges.	12	Arterial or arterial roadway. A street having that meaning given in Section 334.03 Florida Statutes, as may be amended from time to time. Arterials are identified in the Transportation Element of the Comprehensive Plan. (NOTE: Balance of text not included)

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 10-015	17	Definition not included	13	Aviary. A place for keeping birds confined.
Section 10-015	17	Bona fide Ag. Bona fide Ag is a term used within the Town to designate a business that receives a reduction in property tax due to the use of part/all of the property for the production of products as defined under "Agriculture" in Section 10-015. See Ch. 193.461 f.s. and Article 65 Bona fide Agriculture Uses in this document.	13	Definition not included
Section 10-015	17	Cages. An enclosure made of wire or metal bars in which birds or animals are kept	13	Definition not included
Section 10-015	17	Caretaker(s) Quarters. Home for a person who cares for a property.	13	Caretaker(s) quarters. A dwelling that provides housing for a person who is employed to maintain, repair and protect the property on which the dwelling is located.
Section 10-015	18	Definition not included	15	Concurrency. The statutory requirement that public facilities and services needed to support development shall be available at the same time or coincidental with the impact of such development, as provided by law.
Section 10-015	19	Domesticated Animals. A population of animals that have their behavior, life cycle or physiology systematically altered as a result of being under human control for many generations. Small animals are of a weight of one hundred (100) pounds or less.	16	Definition not included
Section 10-015	20	Enclosure. A structure consisting of an area that has been enclosed for some purpose. The act of enclosing something inside something else.	17	Definition not included
Section 10-015	21	Fence. A freestanding structure designed to restrict or prevent movement across a boundary	18	Fence~~. A freestanding structure designed to restrict or prevent movement across a boundary~~ A structure, solid or otherwise, which is a barrier and used as a boundary or means of protection, confinement or concealment.
Section 10-015	22	Home occupation. Conduct of a business in a home office.	20	~~Home occupation. Conduct of a business in a home office.~~
Section 10-015	22	Home office. An office designed for and operated as a business location within the confines of a dwelling unit, and carried on by persons residing in the dwelling unit, and involving only written correspondence, phones, computers, or other common office equipment, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. Home office shall preclude any business operation that requires or permits customers, patrons, or other employees to visit the dwelling on a routine basis.	20	~~Home office. An office designed for and operated as a business location within the confines of a dwelling unit, and carried on by persons residing in the dwelling unit, and involving only written correspondence, phones, computers, or other common office equipment, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. Home office shall preclude any business operation that requires or permits customers, patrons, or other employees to visit the dwelling on a routine basis.~~
Section 10-015	23	Definition not included	20	Household pet. An animal that resides in the dwelling with its owner, kept for companionship and enjoyment.
Section 10-015	23	Irrigation Installation/Maintenance. The installation and maintenance of wells, pumps, pipes, sprinkler heads and electrical components by a licensed contractor for the purpose of providing water to soil.	20	Definition not included
Section 10-015	23	Landscape Maintenance. The art and vocation of keeping a landscape healthy, clean, safe and attractive, typically in a garden, yard, park, Institutional setting or estate. Using tools, supplies, knowledge, physical exertion and skills, a landscaper may plan or carry out annual plantings and harvestings, periodic weeding and fertilizing, or other gardening, lawn care, shrub pruning, topiary and other jobs for protecting and improving the topsoil, plants and garden accessories.	21	Definition not included

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 10-015	24	New Urbanism: The revival of our lost art of place-making, and promotes the creation and restoration of compact, walkable, mixed-use cities, towns.	21	Definition not included
Section 10-015	25	Pen(s). A small yard or enclosure for domestic animals.	23	Definition not included
Section 10-015	25	Pet. A domesticated animal kept for companionship or amusement	23	Definition not included
Section 10-015	27	Private Streets/Roads (NOTE TO ADD DEFINITION)	25	Definition not included
Section 10-015	27	Residential Enterprise. A Residential Enterprise is permitted within an accessory building on the property, not the main dwelling. Residential Enterprise operations are permitted on properties of five (5) acres or more. Residential Enterprise can be operated only by a property owner who has their primary residence on the property where the Residential Enterprise activity is being transacted.	26	~~Residential Enterprise. A Residential Enterprise is permitted within an accessory building on the property, not the main dwelling. Residential Enterprise operations are permitted on properties of five (5) acres or more. Residential Enterprise can be operated only by a property owner who has their primary residence on the property where the Residential Enterprise activity is being transacted.~~
Section 10-015	28	Definition not included	27	Site plan. A drawing illustrating a proposed development and prepared in accordance with the specifications set forth in Article 155 of these regulations.
Section 10-015	31	Wildlife pets: As permitted by the Florida Fish and Wildlife, shall include exotic birds and those animals that have been designated as endangered species, threatened species, or species of special concern by the State of Florida or federal government. This definition shall not include any dangerous or poisonous animal of the reptile or amphibian species,	31	Wildlife pets: Shall include only those animals that have been designated as endangered species, threatened species, or species of special concern by the State of Florida or federal government. This definition shall not include any dangerous or poisonous animal of the reptile or amphibian species.
Section 15-015(B)(5)	33	(5) Fountains	33	(5) ~~Mailboxes~~
Section 15-20	33	Definition not included	33	Section 15-020: Bona fide agricultural exceptions. ~~Various provisions of this code provide for modifications or exceptions to regulations as they apply to bona fide agricultural operations. Such modifications and exceptions apply only to plots the Town has determined to be bona fide pursuant to Article 65, "Bona fide agricultural uses".~~
Section 15-030	33	Section 030: Incidental uses. Certain uses that were in existence as of October 1, 2006 are not contained in in the table of permitted uses for the Agricultural Residential (AR) zoning district, but may be allowed to continue to exist, subject to the following:	34	Section 15-030~~: Incidental uses.~~ Uses as of October 1, 2006. Certain uses that were in existence as of October 1, 2006 are not contained in in the table of permitted uses for the Agricultural Residential (AR) zoning district, but may be allowed to continue to exist ~~permitted,~~ subject to the following:
Section 20-010(B)	34	(B) Animals and livestock. The breeding, raising, and/or keeping of animals and livestock as a principal and bona fide agricultural use shall not be subject to the following standards.	35	(B) Animals and livestock. The breeding, raising, and/or keeping of animals and livestock as a principal and bona fide agricultural use shall not be subject to the provisions of this Section.
Section 20-010(B)(1)a	34	a. Livestock. Four livestock, not including swine, are permitted per every one acre of land, except that parcels of at least five acres are permitted eight livestock per every acre of land and parcels over ten acres in size shall have no limit to the number of livestock per acre.	35	a. Livestock. Four livestock, not including swine, are permitted per every one acre of land, except that parcels of at least five acres are permitted eight livestock per every acre of land and parcels over ten acres in size shall have no limit to the number of livestock per acre. ~~Parcels of less than one acre shall not be permitted to have livestock.~~

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 20-010(B)(1)b	34	b. Small farm animals. Ten (10) small farm animals are permitted on any property per every one-hlf acre of land.	36	b. Small farm domesticated animals. ~~Twenty-five~~ Ten (10) small domesticated animals are permitted per every one-half acre of land. ~~except that parcels of less than five acres are permitted ten small animals per every one-half acre of land.~~
Section 20-010(B)(1)d	34	d. Swine. One swine (hog) is permitted per acre, except for pot bellied pigs, which shall be considered livestock.	36	d. Swine. One swine is permitted per property of one (1) acre or greater, except for pot bellied pigs, which shall be considered livestock.
Section 20-010(B)(2)	34	(2) Fences. All animals shall be kept within a fence or enclosure as to prevent the animals from accessing street streets or adjacent properties. The Council has the right to impose setbacks in the form of fences. All animals must be kept within its property owners' fence to prevent the animal from accessing streets or damaging neighboring properties. Pens, cages and enclosures will be set back 50'.	36	(2) Fences and Enclosures. All animals shall be kept within a fence or enclosure as to prevent the animals from accessing street streets or adjacent properties. It shall be the responsibility of each animal owner to ensure that the fence or enclosure is maintained in a state of good repair and that the animal is confined to the property. ~~The Council has the right to impose setbacks in the form of fences.~~
Section 20-010(B)(3)	34	Section not included	36	(3) All structures or enclosures, except for fences, that house or restrain animals of any type shall be setback a minimum of 50 feet from all property lines.
Section 20-010(B)(3)b.	35	b. Properties that are enclosed by fences do not require separate pens for household pets such as dogs and cats.	36	~~b. The breeding, raising, and/or keeping of animals and livestock as a principal and bona fide agricultural use shall not be subject to the above standards.~~
Section 20-010(E)	35	(E) Fences, walls and hedges and gates/entryways. Fences, hedges and gates/entryways are permitted on all properties with a zoning designation of Rural Residential or Agricultural Residential. Walls are not permitted unless the property abuts a road.	37	(E) Fences, walls hedges, gates and entry features. Fences, hedges, gates and entry features are permitted with a zoning designation of Rural Residential or Agricultural Residential. ~~Walls are not permitted unless the property abuts a road unless a Special Exception is granted by the Town.~~
Section 20-010(E)(3)a.	35	a. Barbed wire. Barbed wire shall be permitted for use as fencing material on all Plots Low voltage wire. Low voltage electric wire, otherwise known as hot wire, shall be permitted for use as fencing material on all plots.	37	a. Barbed wire. Barbed wire shall be permitted for use as fencing on all plots~~.~~ ~~with a bona fide agricultural use, other than nurseries provided it is setback a minimum of ten feet from any property line.~~
Section 20-010(E)(3)b.	35	Section not included.	37	b. Low voltage electric wire. Low voltage electric wire, otherwise known as hot wire, shall be permitted for use as fencing material on all plots. ~~containing livestock.~~
Section 20-010(F)	36	(F) Grooms quarters. Groom's quarters are permitted on parcels where there are equestrian uses. One grooms person is permitted per 18 or more stalls.	38	(F) Grooms quarters. Groom's quarters are permitted on parcels where there are equestrian use and a stable with 18 or more stalls.
Section 20-010(G)(2)a.	36	a. Vehicles, equipment and fill. Vehicles, equipment and fill may be temporarily stored in required setbacks, easements, or right-of-ways during the construction of new easements or right-of-ways.	38	a. ~~Construction~~ Vehicles, equipment and fill~~. Construction~~ Vehicles, equipment and fill may be temporarily stored in required setbacks, easements, or right-of-ways during construction in easements or right-of-ways.
Section 20-010(G)(3)e.	36	e. Commercial and recreational vehicles. A maximum of two commercial or recreational vehicles may be stored on a plot of land without screening.		e. Commercial and recreational vehicles. A maximum of two commercial or recreational vehicles may be stored on a plot of land without screening~~. provided that the vehicles are routinely operated by a permanent, fulltime resident.~~
Section 20-010(G)(5)	36	(5) Parking Surfaces. Parking of construction vehicles shall be on surfaces that meet the requirements described in Section 95-115l.	39	Section not included.
Section 20-015	37	Not included (Principal Uses)	39	Commercial Chipping and Mulching (Principal Use Permitted subject to Article 80
Section 20-015	37	Home Offices, Irrigation Contractor, Landscaper, Residential Enterprise, Exhibition of Wildlife Pets (Accessory Uses Permitted subject to Article 80)	40	~~Home Offices~~ Residential Enterprise~~, Exhibition of Wildlife Pets~~ (Accessory Uses Permitted subject to Article 80)
Section 25-010(A)(3)	39	(3) Measurement will be from property line to property line.	44	Section not included
Section 25-010(B)(2)	40	(2) Appearance. The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance. All new development must comply with and meet Rural Vista Guidelines.	44	(2) Appearance. The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 25-015	42	Section not included	47/48	Commercial Chipping and Mulching, Exhibition of Wildlife Pet, Gun Range, Indoor (Principal Uses added)
Section 25-040(E)	43	(E) Exceptions from setback requirements. (1) Buildings and structures specifically excepted from these requirements are identified in Section 15-015, "Setback exceptions." (2) To promote pedestrian friendly or walkable streets, setbacks will be adjusted for commercial in the Town Center. Setbacks will be will be subject to Council review.	50	(E) Exceptions from setback requirements. Buildings and structures specifically excepted from these requirements are identified in Section 15-015, "Setback exceptions." (NOTE: Sections (1) and (2) not included)
Section 30-010(A)(2)	44	(2) Appearance. The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance. All new development must comply with and meet Rural Vista Guidelines.	51	(2) Appearance. The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance.
Section 30-010(B)(2)b	44	b. Nursery plants and trees. Nursery plant and trees may be permanently stored in all required setbacks.	52	~~b. Nursery plants and trees. Nursery plant and trees may be permanently stored in all required setbacks.~~
Section 30-010(C)	45	(C) Swimming pools Swimming pools are permitted provided that the pool is located on the same plot as a primary use and it is fully enclosed with a fence or wall a minimum of four feet in height above ground, measured adjacent to the fence or all from the lowest grade on either side of the fence or wall. Screen enclosures which meet all requirements of the Florida Building Code shall also constitute compliance with this provision. Fences or walls shall be of such a design and material as will prevent unauthorized access to the pool area. All gates must be equipped with self-closing, self latching mechanisms. All fences and gates shall comply with all requirements of the Florida Building Code pertaining to required barriers around public swimming pools.	52	(C) Swimming pools Swimming pools, hot tubs and similar structures ~~and spas~~ are permitted provided that the pool, hot tub or similar structure ~~or spa~~ is located on the same plot as a primary use and it is fully enclosed with a fence or wall a minimum of four feet in height above ground, measured adjacent to the fence or all from the lowest grade on either side of the fence or wall. Screen enclosures which meet all requirements of the Florida Building Code shall also constitute compliance with this provision. Fences or walls shall be of such a design and material as will prevent unauthorized access to the pool area. All gates must be equipped with self-closing, self latching mechanisms. All fences and gaes shall comply with all requirements of the Florida Building Code pertaining to required barriers around public swimming pools.
Section 30-25(A)	47	(A) Minimum dimension. All plots shall have at least one-hundred and fifty feet of frontage (width) and two-hundred feet of depth.	55	~~(A) Minimum size. No plot shall be developed for an institutional or public facilities use unless the plot contains two or more acres.~~ (NOTE: Section (A) renumbered to (B)
Section 30-40(E)	48	(E) Exceptions from setback requirements. (1) Buildings and structures specifically excepted from these requirements are identified in Section 15-015, Setback exceptions". (2) Setback will be will be subject to Council review.	56	(E) Exceptions from setback requirements. Buildings and structures specifically excepted from these requirements are identified in Section 15-015, Setback exceptions". (NOTE Sections (1) and (@) not included).
Section 40-015	51	Section not included (NOTE: Located in Section 40-025)	63	Table listing Principal Uses (Relocated from Section 40-025)
Section 45-005(A)	52	NA	65	General comment: ~~junk~~ included in Subsections (2), (3) and (4)
Section 45-010(B)	53	(B) A maximum of three (3) junk vehicles and/or derelict aircraft, and other junk items may be kept on residential property only in a manner so that the junk is not visible from other public or private property and does not create a health, safety or environmental hazard. Such storage shall only be permitted as an accessory use and all junk vehicles shall have all of their fluids drained and properly disposed. Any additional number of junk vehicles or derelict aircraft above three (3) shall be stored in a completely enclosed.	65	(B) A maximum of three (3) ~~junk~~ inoperable and unregistered vehicles and/or derelict aircraft, and other junk items may be kept on residential property only in a manner so that the junk is not visible from other public or private property and does not create a health, safety or environmental hazard. Such storage shall only be permitted as an accessory use and all ~~junk~~ inoperable and unregistered vehicles shall have all of their fluids drained and properly disposed. Any additional number of ~~junk~~ inoperable and unregistered vehicles or derelict aircraft above three (3) shall be stored in a completely enclosed structure.

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 45-010(C)(2)	53	(2) Doors and windows. All door and window openings of residential, commercial, and institutional buildings shall be covered by windows and doors that are in working order with no obvious defects that may affect the health, safety and welfare of the community.	66	(2) Doors and windows. All door and window openings of ~~residential,~~ all buildings and structures in any zoning district shall be covered by windows and doors that are in working order with no obvious defects that may affect the health, safety and welfare of the community.
Section 50-010(A)(1) and (2)	53	(1) Any use, activity or operation which generates a sound level of 55 dB or greater on any surrounding property between the hours of 7:00 a.m. and 10:00 p.m. (2) Any use, activity, or operation which generates a sound level of 50 dB on any surrounding property between the hours of 10:00 p.m. and 7:00 a.m.	67	(1) Any use, activity or operation which generates a sound level of 55 dB or greater on any surrounding property between the hours of 7:00 a.m. and 10:00 p.m. for a period of fifteen minutes or more. (2) Any use, activity, or operation which generates a sound level of 50 dB on any surrounding property between the hours of 10:00 p.m. and 7:00 a.m. for a period of fifteen minutes or more.
Section 50-010(C)(3)	54	(3) Routine, necessary farming operations conforming to generally accepted agricultural and best management practices. Eg. Row crops; nurseries; groves	67	(3) ~~Bona fide agricultural activities (operations conforming to generally accepted agricultural and best management practices). Routine, necessary~~ Farming operations conforming to generally accepted agricultural and best management practices (examples).
Section 50-015(A)(2)	54	(2) All buildings and structures maintained in a state of obvious poor repair.	68	(2 ~~Nonagricultural~~ All buildings and structures maintained in a state of obvious poor repair.
Section 50-015(A)(3)	54	(3) Any operations in which the following conditions exist:		(3) Agricultural operations in which the following conditions exist:
Section 50-020	54	Section 50-020: Vibration In all districts, no use shall operate so as to produce vibration noticeable by a person of reasonable sensitivity at the property line including low bass	68	Section 50-020: ~~Ground~~ Vibration In all districts, no use shall operate nor any activity take place so as to produce ~~ground~~ vibration noticeable by a person of reasonable sensitivity at the property line including bass emanating from audio speakers.
Section 50-030(D)(2)	55	(2) All vehicular use areas, other than those that are accessory to a single-family residence, shall be lighted in compliance with the minimum standards established by the Engineering Society of North America using cut-off lighting with at maximum height of fourteen feet.		(2) All vehicular use areas, other than those that are accessory to a single-family residence, shall be lighted in compliance with the minimum standards established by the ~~Illuminating Engineering Society of North America~~ Engineering Society of North America using cut-off lighting with at maximum height of fourteen (14) feet. ~~For the purposes of this provision, "vehicular use area" does not include streets.~~
Section 50-030(D)(4)	56	(4) Electrical feeds for all pole mounted fixtures installed after the effective date of this Code must comply with Palm Beach County Building Code.		(4) Electrical feeds for all pole mounted fixtures installed after the effective date of this Code ~~shall run underground, not overhead.~~
Article 65	69	Article 65: Bona fide Agricultural Uses	88	Article 65: Agricultural Uses
Section 65-010.	69	Section 65-010. Determination of bona fide agricultural use. Any property owner who seeks the regulatory relief provided for a bona fide agricultural use, must provide documentation to the Town from the Palm Beach County Property Appraiser's Office demonstrating that the property is currently classified as agriculture pursuant to Section 193.461, F.S., as may be amended from time to time. Once documentation is provide, the Town shall maintain an on-going record of such use and assume that each property continues to maintain its agricultural classification unless a claim is made otherwise, in which case, current documentation from the Palm Beach County Property Appraiser's Office shall once again be provided to the Town.	88	Section 65-010. Determination of valid agricultural use. Any property owner who seeks the regulatory relief provided for an agricultural use as defined herein, must either provide documentation to the Town from the Palm Beach County Property Appraiser's Office demonstrating that the property is currently classified as agriculture pursuant to Section 193.461, F.S., as may be amended from time to time, or as an alternative, demonstrate to the Town Council that the use is agricultural, as defined herein. Once documentation is provided, the Town shall maintain an on-going record of such use and assume that each property continues to maintain its agricultural status unless a claim is made otherwise. If a claim is made otherwise, the property owner shall demonstrate the use is agricultural as provided for in this section.

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 65-015	69	Section 65-015: Nonagricultural uses and structures on properties with a bona fide agricultural use Nonagricultural uses and structures on properties with a bona fide agricultural use shall not qualify for modifications or exceptions to the Code based on a bona fide agricultural exemption unless specifically stated otherwise.	88	Section 65-015: Nonagricultural uses and structures on properties with a bona fide agricultural use Nonagricultural uses and structures on properties with a valid agricultural use shall not qualify for modifications or exceptions to the Code based on agricultural use status unless specifically stated otherwise.
Section 70-005	70	Section 70-005: Purpose and intent. The purpose and intent of this Article is to prevent adjacent properties from stormwater flooding caused by the improper use or care of swales and culverts.	89	Section 70-005: Purpose and intent. The purpose and intent of this Article is to adjacent properties from stormwater flooding caused by the improper use or care of swales and culverts.
Section 70-020	70	Section 70-020: Drainage to be contained on site. All plots and parcels of land shall be required to maintain all stormwater on site, or convey stormwater runoff in a legally permitted manner.	89	Section 70-020: Drainage to be contained on site. All plots and parcels of land shall be required to maintain all stormwater on site, ~~or control stormwater runoff in a manner consistent with the requirements of the Loxahatchee Groves Water Control District.~~ or convey stormwater runoff in a legally permitted manner.
Section 75-005	70	Section 75-005. Purpose and intent. The purpose and intent of this Article is to regulate and limit the development and continued existence of lawfuly established uses, structures and plots established prior to the original effective date of these regulation, or any amendments hereto, that do not conform to the requirement of these regulations.	90	Section 75-005. Purpose and intent. The purpose and intent of this Article is to regulate and limit the development and continued existence of lawfully established uses, structures and plots established on or after October 1, 2006, that do not conform to the requirement of these regulations. . . . .
Section 75-010	71	Section 75-010: Determination of a nonconformity.	90	Section change to Section 75-015 (text unchanged)
Section 75-015	71	Section 75-015: Nonconforming uses.	91	Section change to Section 75-020 (text unchanged)
Section 75-020	72	Section 75-020. Nonconforming structures.	92	Section change to Section 75-025 (text unchanged)
Section 75-025	72	Section 75-025. Nonconforming plots of record.	92	Section change to Section 75-030 (text unchanged)
Section 75-030	73	Section 75-030. Nonconforming Uses, Structures, Plots as of October 1, 2006	90	Section change to Section 75-010 (text unchanged)
Section 75-035	73	Section 75-035. Transitional Conformity for Uses, Structures, Plots whose legality cannot be verified as of October 1, 2006 (NOTE: Text too long to include)	93	Section not included
Section 80-015	75	Section 80-015: Home offices. Home offices as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms", shall be permitted in all residential zoning districts subject to the following limitations: (A) Commercial vehicles associated with the home office in all residential districts shall be subject to Section 20-010(G). (B) No sigh or any other evidence of the existence of the home office shall be visible from the exterior of the dwelling unit.	94	~~Section 80-015: Home offices.~~ ~~Home offices as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms", shall be permitted in all residential zoning districts subject to the following limitations:~~ ~~(A) Commercial vehicles associated with the home office in all residential districts shall be subject to Section 20-010(G).~~ ~~(B) No sigh or any other evidence of the existence of the home office shall be visible from the exterior of the dwelling unit.~~

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 80-016	75	Section 80-016: Residential Enterprise Residential Enterprise as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" shall be permitted in all residential districts subject to the following limitations: (A) The accessory building shall not exceed 0.01 FAR (Floor Area Ratio) of the property. On a five (5) acre property, 0.01 FAR is 2178 Ft2, or 46.47' x 46.7'. Not to exceed two (2) accessory buildings. Any ancillary building(s) shall be in the same style and design as the primary residence. (B) The maximum number of employees is two (2) not including the primary residents/owners of the property/residential enterprise. (C) All of business operations (supplies, equipment, tools, etc.) hall be housed within the accessory building. (D) No customers or clients are allowed to come to the business(property) to pickup merchandise or manage or to manage their accounts. (E) Merchandise shall be able to be shipped via UPS, Federal Express, USPS or other similar package delivery services. If commercial carriers are needed to ship merchandise, a special exception from thee Town Council is required. (F) Commercial vehicles associated with the residential enterprise in all residential districts shall be subject to Section 20-010(G) (G) Signage must comply with Article 90. Exceptions to these limitations will be subject to approval by the Town Council.	94	Section 80-016: Residential Enterprise Residential Enterprise as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" shall be permitted in all residential districts as a use accessory to a principal residential use and subject to the following limitations: (A) Size of property. Residential enterprises shall be permitted on properties of five acres or more in size. (B) Location of residential enterprise. A residential enterprise shall be conducted only within an accessory building on the property where the main dwelling is located, and not within the dwelling. (C) Number of accessory buildings. There shall be a maximum of two accessory buildings used for a residential enterprise. (D) Size of accessory buildings. The total floor area ratio (F.A.R.) of all accessory buildings used for a residential enterprise shall not exceed 0.01. (E) Appearance of accessory buildings. The accessory buildings used for a residential enterprise shall be in the same style and have the same architectural appearance as the principal residential use. (F) Employees or contractors. In addition to any person(s) who are the residents of the property, there shall be a maximum of two outside employees or contractors who assist with the residential enterprise. (G) Clients or customers. No client or customer shall be allowed on the premises to transact business of any nature. (H) Delivery. Merchandise or goods shall be shipped by way of U.S. Postal Service, United Parcel Service, Federal Express or similar small package carrier. If other commercial carriers are required, the residential enterprise shall be deemed to require a Special Exception pursuant to Article 170. (I) Commercial vehicles. Commercial vehicles associated with the residential enterprise shall be subject to Section 20-010(G). (J) Signage. Signage shall comply with Article 90. Exceptions to these limitations will be subject to approval by the Town Council.
Section 80-20(I)	76	(I) Frequency and duration. No outdoor event shall be permitted for a period of time exceeding three consecutive days, except that rodeos shall be limited to a maximum of three consecutive days. A total of three outdoor events can be permitted within a calendar year on any given property. Hours of operation of any event shall be limited to 9:00 to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to midnight on Friday and Saturday. Any additional time will require special approval by the Town Council.	96	(I) Frequency and duration. No outdoor event shall be permitted for a period of time exceeding three (3) consecutive days, except that rodeos shall be limited to a maximum of three consecutive days. A total of three (3) outdoor events can be permitted within a calendar year on any given property. Hours of operation of any event shall be limited to 9:00 to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to midnight on Friday and Saturday. Any additional time will require special approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in Section170-025(A) for Special Exceptions.
Section 80-20(K)(8)	77	Section not included	97	(8) Description of proposed waste management for both trash and portable toilet facilities.
Section 80-20(M)(12)	78	(12) All perimeter properties have been notified by applicant prior to the filing of the application.	98	(12) Proof of notification of the event to all contiguous properties and the written consent of the contiguous owners;

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 80-020 (N)(1)	78	(1) Town Engineering Division;	98	(1) ~~Town Engineering Division;~~ Town Manager;
Section 80-025(A)	79	(A) Permits for holiday wayside stands may be issued for the following holidays for the maximum time periods specified; Halloween and Christmas	99	(A) Permits for holiday wayside stands may be issued for the following holidays for the maximum time periods specified; Independence Day, Halloween and Christmas
Section 80-025(B)(6)	79	(6) (NOTE: Renumbered to (7) in "Target" version.	99	(6) For Vendors of pyrotechnical items who are required to register with the Division of the State Fire Marshal of the Department of Insurance under Chapter 791, Florida Statutes, proof of a completed registration form. Proof of actual registration shall be submitted prior to permit issuance;
Section 80-025(D)(1) and (2)	80	(1) and (2)(NOTE: Renumbered to (3) and (4) in "Target" version, new (1) and (2) added to "Target" version.	100	(1) The right to sell pyrotechnical items shall be governed by the laws in place as of March 8, 2007, until such time as the moratorium in Chapter 2007-067 is repealed or expires. At such time, pyrotechnical items may only be sold at locations within a commercial zoning district. Such sales shall not be permitted in areas located within fifty feet of any fuel storage facility or any area required to provide parking in connection with a restaurant or lounge. (2) Pyrotechnical items may be sold only if each sales location has been approved by the Fire Marshall.
Section 80-025(E)(3)	80	(3) No permit for the sale of pyrotechnical items may be issued	101	(3) No permit for the sale of pyrotechnical items may be issued ~~unless items may be lawfully sold pursuant to Chapter 791, Florida Statutes.~~
Section 80-030	81	Section 80-030: Yard Sales On any plot used for residential purposes, three yard sales may be held in any calendar year by the residents of the plot to sell their personal belongings to the public. Each yard sale may be for a maximum of three consecutive days. Signs may not exceed two square feet in size and shall be exempt from permit requirements. The signs may not be displayed more than one day prior to the yard sale. All signs must be dated. Signs must be removed the next day after the end of the yard sale. In the event that the Town must remove the signs, a fine of $100 per sign will be charged to the resident holding the yard sale.	102	Section 80-030: Yard Sales On any plot used for residential purposes, three yard sales may be held in any calendar year by the residents of the plot to sell their personal belongings to the public. Each yard sale may be for a maximum of three consecutive days. Signs may not exceed two square feet in size and shall be exempt from permit requirements. The signs shall not be displayed more than one day prior to the yard sale. All signs must be dated. Signs must be removed the next day after the end of the yard sale. In the event signs are not removed in a timely manner, the Town shall remove the signs and a fine of one hundred $100 per sign shall be charged to the resident holding the yard sale.
Section 80-040(T)	83	(T) All exhibition of Class I and Class I wildlife shall require a Commercial land use designation.	104	(T) All exhibition of Class I and Class I wildlife shall occur on a parcel that has a land use designation of commercial Low.

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 80-045(B)	83	(B) Breeder (1) The minimum plot size shall be two acres. (2) Shelters, cages and accessory structures shall be set back a minimum of 50 feet from all property lines; and (3) Outdoor shelters and cages shall be contained to specific areas of the plot and screened from view on all sides by a sufficient sound barrier such as an opaque fence, wall or landscaping as needed to meet the noise ordinance and that is a minimum of six feet in height. The sound barrier shall be located within 20 feet of the containment area; and (4) The breeder shall locate birds that excessively screech, chirp, crow or make loud noises away from residential properties to the maximum extent possible. (5) The care, licensing, registration and inspections shall be required by applicable regulations. (6) Any aviary that receives property tax relief via the "Ag Exemption" must comply with the definition of "Bona fide Ag" in Section 10-015 of this Code. (7) Must comply with the Town Noise Ordinance.	105	(B) ~~Hobby~~ Breeder ~~(1) The hobby breeder shall not engage in the sale of more than 24 birds to the public during any consecutive 12 month period;~~ (1) ~~The hobby breeder shall not provide care for more than 40 birds on a parcel of land at any time;~~ (2) The minimum plot size shall be two acres. (3) Shelters, cages and accessory structures shall be set back a minimum of 50 feet from all property lines; and (4) Outdoor shelters and cages shall be contained to specific areas of the plot and screened from view on all sides by an opaque fence or wall that is a minimum of six feet in height. The ~~fence or wall~~ sound barrier shall be located within 20 feet of the containment area; and (5) The ~~hobby~~ breeder shall locate birds that excessively screech, chirp, crow or make loud noises away from residential properties to the maximum extent possible. ~~Birds considered a nuisance by the applicable law enforcement agency shall be removed from the site;~~ and (6) The care, licensing, registration and inspections shall be required by applicable regulations. (7) Any ~~aviary~~ avicultural endeavor that receives property tax relief under an agricultural exemption designation shall comply with the definition of "bona fide agriculture" in Section 10-015 of this Code.
Section 80-50	83	Section 80-50: Commercial Chipping and mulching. Permits for chipping and mulching in Article 10, "Definitions, Abbreviations, and Construction of Terms" shall be subject to the granting of a Special Exception and subject to the following limitations:	105	Section 80-50: Commercial Chipping and mulching. Permits for chipping and mulching in Article 10, "Definitions, Abbreviations, and Construction of Terms" ~~may be issued in the Agricultural Residential (AR) zoning district~~ shall be subject to the granting of a Special Exception and subject to the following limitations:
Section 80-060	NA	Section not included.	106	Section 80-060: Landscape maintenance operations. (NOTE: No text, but notes: Shall be considered a Residential Enterprise)
Section 80-070	84	80-070 Irrigation Installation/Maintenance Operations * Irrigation Installation/Maintenance Operations shall fall under Residential Enerprise Section 80-016 (Note: Be sure there are definitions)	107	80-070 Irrigation Installation/Maintenance Operations Shall be considered a Residential Enterprise; Up to four truck/trailer combinations are permitted; Required to have a current Town Business Tax receipt; Landscaping debris must be disposed of commercially and not mixed with residential trash or debris; Provision of buffering, setbacks and stored materials.
Section 85-005	85	Section 85-005: Purpose and intent The purpose and intent of this Article is to create guidelines and requirements for new development. The requirements are separated and organized into the following categories: commercial development (Section 85-015 to 85-036); Interior Space (Section 85-045); nonresidential/nonagricultural perimeters and vehicular use areas (Section 85-050); bona fide agriculture (Section 85-055); Street Intersections and points of access (Section 85-060); Public and Private Right og Way (Section 85065); and Nonconforming (Section 85-070) Consideration was based on the following principles;	108	Section 85-005: Purpose and intent The purpose and intent of this Article is as follows: (NOTE:: Sections (A) – (H) added) (A) Appearance; (B) Environment: (C) Water conservation; (D) Preservation and character: (E) Compatibility; (F) Land values; (G) Human values; (H) Removal of prohibited plant species.

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 85-030	89	Section 85-030: Maintenance of landscaped areas in Commercial (CL, CH, CL-O) and Institutional Land Use Areas	114	Section 85-030: Maintenance of landscaped areas
Section 85-040	NA	Section not included (NOTE: Entire section not included).	116	Section 85-040: Landscape requirements for individual single-family residences. (NOTE: Entire section added)
Section 90-010	96, 98	Section 90-010: Definitions. Election Campaign Signs: A sign designed, used or intended to induce voters to vote for either the passage or defeat of a measure appearing on the ballot of any election, or for either the election or defeat of a candidate for nomination or election to any public office in any election; and it is generally constructed of unreinforced cardboard, paper or similar product; and it includes without limitation banners, campaign signs, posted handbills and notices of any kind. Traffic control sign. Any sign designed to control traffic on public streets or private property, such as speed limit, stop, caution, one-way, do not enter, tow-away zone or no Parking signs may be mounted to structures including but not limited to utility poles.	123, 126	Section 90-010: Definitions. (NOTE: Election Campaign Signs not included) Traffic control sign. Any sign designed to control traffic on public streets or private property, such as speed limit, stop, caution, one-way, do not enter, tow-away zone or no parking signs.
Section 90-015	98	Section 90-015: Prohibited signs. (L) No signs may be mounted to utility poles (M) No signs may be nailed to a tree		Section 90-015: Prohibited signs. (L) Section not included (M) Section not included
Section 90-020	99	Section 90-020: Temporary signs. (F) Election Campaign Signs	127	Section 90-020: Temporary signs. (F) Section not included
Section 90-040(A)(4)	101	(4) Seasonal or holiday signage Other Restrictions: Signage must not be present after one week of season or holiday.	129	(4) Seasonal or holiday signage Other Restrictions: Signage must not be present before or after six weeks of season or holiday.
Section 90-040(B)(8)	105	(8) Holiday signage: Other restrictions: Signage must not be present after one week of holiday	122	(8) Holiday signage: Other restrictions: Signage must not be present before or after six weeks of season or holiday.
Section 90-040(B)(9)	105	(9) Opinion sign Sign face area: 6 sq. ft. (max) Number of signs (maximum): 1 per street frontage Height: 6 feet (max) Other restrictions: Sign(s) must be removed within one weeks after election or final decision on issue (if applicable) Attached/Freestanding or Both: Freestanding.	133	(9) Opinion sign Sign face area: Number of signs (maximum): Other restrictions: Attached/Freestanding or Both: Any sign that can be permitted within the regulations of this Subsection may contain a noncommercial message, however, sign(s) must be removed within one week after election or final decision on issue (if applicable).

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 90-040(C)(5)	107	(5) Seasonal or holiday signage. Other restrictions: Signage must not be present after one week of holiday	134	(5) Seasonal or holiday signage. Other restrictions: Signage must not be present before or after six weeks of season or holiday
Section 90-040(C)(7)	107	(7) Opinion sign Sign face area: 6 sq. ft. (max) Number of signs (maximum): 1 per street frontage Height: 6 feet (max) Other restrictions: Sign(s) must be removed within one weeks after election or final decision on issue (if applicable) Attached/Freestanding or Both: Freestanding.	134	(7) Opinion sign Sign face area: Number of signs (maximum): Other restrictions: Attached/Freestanding or Both: Any sign that can be permitted within the regulations of this Subsection may contain a noncommercial message, however, sign(s) must be removed within one week after election or final decision on issue (if applicable).
Section 90-040(D)(6)	109	(6) Opinion sign Sign face area: 6 sq. ft. (max) Number of signs (maximum): 1 per street frontage Height: 6 feet (max) Other restrictions: Sign(s) must be removed within one weeks after election or final decision on issue (if applicable) Attached/Freestanding or Both: Freestanding.	135	(6) Opinion sign Sign face area: Number of signs (maximum): Other restrictions: Attached/Freestanding or Both: Any sign that can be permitted within the regulations of this Subsection may contain a noncommercial message, however, sign(s) must be removed within one week after election or final decision on issue (if applicable).
Section 90-040(E)(3)	110	(3) Opinion sign Sign face area: 6 sq. ft. (max) Number of signs (maximum): 1 per street frontage Height: 6 feet (max) Other restrictions: Sign(s) must be removed within one weeks after election or final decision on issue (if applicable) Attached/Freestanding or Both: Freestanding.	136	(3) Opinion sign Sign face area: Number of signs (maximum): Other restrictions: Attached/Freestanding or Both: Any sign that can be permitted within the regulations of this Subsection may contain a noncommercial message, however, sign(s) must be removed within one week after election or final decision on issue (if applicable).
Section 90-060	111	Section 90-060: Flags Flags in residential zoning districts are permitted up to thirty-two square feet in area and may be mounted on a flag pole not exceeding forty feet in height. Flags in non-residential zoning districts are permitted up to one-hundred and forty-four feet in area and may be mounted on a flag pole not exceeding fifty feet in height. A maximum of six flags are permitted per each plot of land.	138	Section 90-060: Flags Flags in residential zoning districts are permitted up to six feet in area and may be mounted on a flag pole not exceeding fifteen feet in height. Flags in non-residential zoning districts are permitted up to one-hundred and forty-four feet in area and may be mounted on a flag pole not exceeding fifty feet in height. A maximum of six flags are permitted per each plot of land.
Section 90-070(F((8)	112	(8) Election Campaign Signs	139	(8) Section not included
Section 95-010(A)	114	Home Office and Residential Enterprise: No additional parking space required.	141	~~Home Office~~ Residential Enterprise: No additional parking space required.
Section 95-100(A)	119	(A) Parking Dimensions. Angled spaces in self-parking facilities shall be designed according to, and shall not be smaller than, the minimum required dimensions as depicted below (NOTE: Table included stall dimensions).	149	(A) Parking Dimensions. Angled spaces in self-parking facilities shall be designed according to, and shall not be smaller than, the minimum required dimensions as depicted below, which have been formulated to accommodate full-sized pick up trucks. (NOTE: Table included stall dimensions changed from "Original" version).

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 95-115(A)(1)	121	(1) A minimum of six inch shellrock or limerock base with at least a three-inch layer of open graded emulsified mix (OGEM) or a surface material of equivalent durability as detailed in the Rural Vista Guidelines. If not addressed in Rural Vista Guidelines, it will be subject to approval by the Town Council as a Conditional Use.	151	(1) A minimum of six inch shellrock or limerock base with at least a three-inch layer of open graded emulsified mix (OGEM) ~~or other pervious material~~ or a surface material of equivalent durability as detailed in the Rural Vista Guidelines, as adopted.
Section 100-015	122	Section 100-015: Access to collector and arterial roadways. (NOTE: Definitions of Collector Road and Arterial Road included	153	Section 100-015: Access to collector and arterial roadways. (NOTE: Definitions of Collector Road and Arterial Road excluded
Section 100-045(A(6)	125	(6) Construction of Roadway. (NOTE: Last sentence of paragraph (6) in "Original Version" reads: Appropriate traffic calming devices may be authorized by the Town Council.)		(6) Construction of Roadway. (NOTE: Last sentence of paragraph (6) in "Original" version not included.)
Section 100-045(A(8) – (10)	125	(8) Turnaround, (9) Other, and (10) Standards for roadways under the jurisdiction of the Loxahatchee Groves Water control district. (NOTE: Sections re-numbered to (9), (10) and (11) in "Target Version")	156	(9) Turnaround, (10) Other, and (11) Standards for roadways under the jurisdiction of the Loxahatchee Groves Water control district. (NOTE: Section numbers changed from to (8), (9) and (10) in "Original Version". Also, new Section (8) added to read as follows☺ (8)Traffic calming. The town Council shall have the authority to approve traffic calming devices.
Section 105-005(A)(1)	127	(1) Intersection of driveway and street. Where a driveway intersects a street, the triangular area of property on both sides of a driveway formed by the intersection of each side of the driveway and ultimate street line, with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides assuming a 45 degree angle.	160	(1) Intersection of driveway and street. Where a driveway intersects a street, the triangular area of property on both sides of a driveway, measured ten feet from the intersection, and on the street line, measured ten feet from the intersection, shall form two legs of the sight distance triangle, and the third side being a line connecting the ends of the two other sides.
Section 105-005(A)(2)	128	(2) Intersection of trail and street. Where a trail intersects a street, the triangular area of property on both sides of a trail formed by the intersection of each side of the trail and ultimate street line, with two sides of each triangle being ten feet n length from the point of intersection and the third side being a line connecting the ends of the two other sides.	160	(2) Intersection of trail and street. Where a trail intersects a street, the triangular area of property on both sides of a trail, measured ten feet from the intersection, and on the street line, measured ten feet from the intersection, shall form two legs of the sight distance triangle, and the third side being a line connecting the ends of the two other sides.
Section 105-005(A)(3)	128	(3) Intersection of two streets. Where two streets intersect, the triangular area of property on all sides of the intersection, formed by the intersection of two or more private or public streets with two sides of the triangle area being twenty-five feet in length along the abutting street lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two sides.	160	(3) Intersection of two streets. Where two streets intersect, the triangular area of property on all sides of the intersection, measured twenty-five feet from the intersection, and on the street line, measured ten feet from the intersection, shall form two legs of the sight distance triangle, and the third side being a line connecting the ends of the two other sides.
Section 110-010(C)	128	(C) For other applications, the owner, or agent of the owner, having unified control or a recognizable interest in the property, provided all owners and all holders of equitable interest, including purchasers have authorized the application as required by law. For example, for a property owned by a trust, the trust agreement may allow two of three trustees to authorize such an application.	161	(C) Other Applications. Qualified applicants shall be limited to the owner, or agent of the owner, having unified control or a recognizable interest in the property, provided all owners and all holders of equitable interest, including purchasers have authorized the application as required by law. For example, for a property owned by a trust, the trust agreement may allow two of three trustees to authorize such an application.
Section 110-010(D)	129	(D) For publically initiated future land use plan map amendments, comprehensive plan text amendments, rezonings, and other applications including vacations or public right-of-way, by the Town Manager or Town council.	161	(D) Publically Initiated Applications. Qualified applicants shall be limited to the Town Manager or Town Council for future land use plan map amendments, comprehensive plan text amendments, rezonings, and other applications including vacations or public right-of-way.

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 110-020	129	Section 110-020: Determination of Completeness. The Town Planner or designee shall review the application for completeness and notify the applicant of any required materials that have not been provided. Applications in which the Town Planner or designee determines are incomplete shall not undergo further processing until all submittal requirements are satisfied. If the applicant fails to provide additional information as requested by the Town Planner or designee within ten working days of the request or alternatively, give an indication of when the information will be submitted, the application shall be deemed to be withdrawn by the applicant. If an application is withdrawn by the applicant and re-submitted, a new application fee and processing number shall be assigned.	162	Section 110-020: Determination of Completeness. ~~Within ten working days of the submission of an application,~~ The Town Planner or designee shall review the application for completeness and notify the applicant of any deficiencies. Applications in which the Town Planner or designee determines are incomplete shall not undergo further processing until all submittal requirements are satisfied. If the applicant fails to provide additional information as requested by the Town Planner or designee within ten working days of the request or alternatively, fails to give an indication of when the information will be submitted, the application shall be deemed to be withdrawn by the applicant. If an application is withdrawn by the applicant and re-submitted, a new application fee and processing number shall be assigned.
Section 110-025(B)	130	(B) Applications for plan amendment, site plan, variance, or rezoning that could result in an increase in the density or intensity of permitted uses, specifically excluding any variance for one single family residence, shall submit to the Town a traffic study that may assess one or more of the following factors as deemed necessary by the town: Proposed development's vehicular and pedestrian access; on-site circulation; parking; any proposed roadway or easement vacations or road closures, whether permanent or temporary for construction purposes; and off-site roadway impacts, including net traffic impact and traffic impact within adjacent neighborhoods. The traffic study shall utilize the most current edition of the Institute of Transportation Engineers' Trip Generation manual and shall use generally accepted methodologies.	162	(B) Applications for plan amendment, site plan, variance, or rezoning that could result in an increase in the density or intensity of permitted uses, specifically excluding any variance for one single family residence, shall submit to the Town a traffic study assessing the proposed development's vehicular and pedestrian access; on-site circulation; parking; any proposed roadway or easement vacations or road closures, whether permanent or temporary for construction purposes; and off-site roadway impacts, including net traffic impact and traffic impact within adjacent neighborhoods. The traffic study shall utilize the most current edition of the Institute of Transportation Engineers' Trip Generation manual and shall use generally accepted methodologies.
Section 120-005	133	Section 120-005: Scope and applicability. These procedures shall apply to all quasi-judicial hearings held by the Town Council. The Town Clerk or its designee shall designate all quasi-judicial matters on the agenda. However, if a quasijudicial hearing is held, it shall not be construed as an admission that the application was quasi-judicial, rather than legislative.	171	Section 120-005: Scope and applicability. These procedures shall apply to all quasi-judicial hearings held by the Town Council. Or by any Board or Committee which holds quasi-judicial hearings. The Town Clerk or its designee shall designate all quasi-judicial matters on the agenda. However, if a quasi-judicial hearing is held, it shall not be construed as an admission that the application was quasi-judicial, rather than legislative.
Section 120-010(B) and (C)	133	Sections (B) and (C) not included.	171	(B) Board. The Town Council or any other board or committee established by the Town that hears quasi-judicial matters. (C) Board Member. Any individual serving on the Board.

Code Section/Title	"Original" Version		"Target" Version	
	Page #	Text	Page #	Text
Section 120-040(F)(4)	136	(4) Any other persons present who wish to submit relevant information to the Board shall speak next for a maximum of three minutes. Presidents or representatives of Town recognized home owners or civic associations may speak for an additional two minutes if they are speaking on behalf of the association. Speakers shall not transfer their time to any other speaker. Members of the public will be permitted to present their opinions, but the Board's decision must be based upon competent substantial evidence. Participants who are members of the general public need not be sworn and will not be subject to cross-examination if they are not sworn. However, the Board shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations. Any and all cross-examinations or questions from the board shall not be considered part of that person's time.	175	(4) Any other persons present who wish to submit relevant information to the Board shall speak next for a maximum of three minutes. Presidents or representatives of Town recognized home owners or civic associations may speak for an additional two minutes if they are speaking on behalf of the association. Speakers shall not transfer their time to any other speaker. Members of the public will be permitted to present their non-expert opinions, but the Board will be expressly advised that public sentiment is not relevant to the decision, which must be based only upon competent substantial evidence. Participants who are members of the general public need not be sworn and will not be subject to cross-examination if they are not sworn. However, the Board shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations. Any and all cross-examinations or questions from the board shall not be considered part of that person's time.
Section 130-020(A)	140	(A) The Town Manager shall not issue a finding of adequacy for any development unless determining that there is available capacity to serve the proposed development while maintaining the adopted level of service for all existing and approved development. Except as further qualified in subsection (B) below, the available capacity of a facility shall be determined by adding together the apacity of existing facilities and the capacity of new facilities, and subtracting from that total, the design demand of existing development and the design demand of approved but unbuilt development (see table below). Available capacity Existing facility capacity + new facility capacity – design demand of existing development – design demand of approved but unbuilt development.	182	A) The Town Manager shall not issue a finding of adequacy for any development unless determining that there is available capacity to serve the proposed development while maintaining the adopted level of service for all existing and approved development. Except as further qualified in subsection (B) below, the available capacity of a facility shall be determined by adding together the apacity of existing facilities and the capacity of new facilities, and subtracting from that total, the design demand of existing development and the design demand of approved but unbuilt development (see table below). (NOTE: Added table to reflect the following formula: Available capacity Existing facility capacity + new facility capacity – design demand of existing development – design demand of approved but unbuilt development.)
Section 140-045(E)	150	(B) Dedication to the public of all roads, streets, alleys and other thoroughfares, however designated, shall be for the perpetual use of the public for the full width of such roads, streets, alleys and other thoroughfares, and shall be made by all persons having any interest in any and all lands abutting on such roads, streets, alleys or other thoroughfares. Dedications must be clearly indicated as such, and must include the word "dedication", to whom it is dedicated and for what purpose. (NOTE: Should be numbered (E)	193	(E) Section not included
Section 140-050	150	Section not included	193	Section 140-050: Platted reservations and dedications. NOTE: Section included, but deleted by ~~strikethrough~~
Section 150-005(C)	152	(C) No variance will be given in a non conforming use.	198	(C) Section not included
Section 150-020(D)	153	(D)That the variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer any special privilege that is denied to any other properties in the same zoning district.	200	(D)That the variance proposed is the minimum variance that will make possible the reasonable use of the property and it will not confer on the applicant any special privilege that is denied to any other properties in the same zoning district.
Article 155	154	Article 155: Site Plans. A site plan is an architectural plan, and a detailed engineering drawing of proposed improvements to a given lot. A site plan "usually shows a building footprint, travelways, parking, drainage facilities, sanitary sewer lines, water lines, trails, lighting and landscaping	201	Article 155: Site Plans

ITEM 10. b.– NEW BUSINESS

Review of Contract for Town Management Services

TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

TO: Mayor and Town Council

FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM

DATE: August 1, 2012

SUBJECT: Review of Contract for Town Management Services

I. BACKGROUND/HISTORY

The Town Management Services Agreement was signed on September 29, 2011 and commenced October 1, 2011 for a term continuing to September 30, 2014. The Agreement contains a section that calls for the **Review of Contract for Town Management Services** and calls for an annual review of the contract based upon the duties contained in the Contract and a Town Management Report through June of the current year. The section also calls for the annual review to be placed on a Town Council agenda and to occur no later than August 1, 2012. Due to meeting schedule changes as a result of the holidays and special budget meetings this item is being brought to Town Council at the first available meeting to transact this business. Relative to reporting, Town Management would remind Town Council that two previous reports were provided concerning activities during the first year of the contract. The first was the January 17, 2012 Town Management Assessment & Visioning Presentation. The second was the May 1, 2012 Town Management/ Council Priorities/ Planning & Zoning discussions. Copies of the Power Point Presentation for the former and agenda report for the latter are available at Town Council request.

II. DISCUSSION

In terms of the current Professional Services Agreement the following is an assessment of compliance with the Agreement per each section of the contract. Town Management has complied with all requirements per the Town Charter Description of Duties for the Town Manager and has met the requirements of 1) a.- m. on a daily basis. In terms of Town Manager Operational Responsibilities Town Management believes the following is an accurate depiction. **1) a. and b. Meetings**: compliance with preparation and coordination of such responsibilities. **2)**

a.-h Contract Manager: general compliance with all enumerated responsibilities. **3) a.-c. Planning, Zoning, Building Matters :** compliance up and above the required duties, Town Management Staff handled function above service level requested in Agreement until matter was resolved in May 2012. **4) a.–n. Emergency Management:** at this point in time, compliance as roughly one-half of the listed responsibilities is a liaison role. **5) a.-c. Code Enforcement:** Town Management has fulfilled these duties including bringing costs under control and reconstituting the Special Magistrate process and other program improvements. **6) a.-e. with sub-tasks Financial:** all duties and tasks have been or are being completed in concert with the functional responsibilities listed. **7) Town Clerk:** compliance. **8) a.-c. Communication with Residents and landowners**: compliance. **9) a.-b. Water Control District:** compliance. **10) a.-c. Technology**: compliance including the numerous tasks and assignments related to inherent problems with system and website. **11) a.-r. Meetings attended by the Town Manager**: general compliance, 18 categories of meetings were identified and the Town Manager has attended all meetings with the exception of four (4) circumstances when it was a holiday, scheduled leave and conflict with meetings occurring in the same time period. **12) Town Office:** compliance.

Summary of Primary Weekly Town Manager Operational Tasks which included Town Council and Committee Meetings, Legal Notices, Coordination with Town Attorney's Office and Monthly Task Plan: General compliance with this broad category with one exception, the contract calls for "an agenda memo needs to be written for each item with specific information so the Town Council can be armed with the tools to make informed decisions." Further the provision calls for the packets to be ready for distribution on the Wednesday before each meeting. For the most part, Town Management has been distributing the agendas on Thursday. This has occurred for three reasons, first, the previous Town Management did not comply with this requirement and there were few agenda reports provided and when such was the case, the reports were minimal. On the other hand, this Town Management Company has complied and produces agenda reports that provide the who, what, where, when, why and how of a matter. Second, Town Council decided to make the first meeting of the month the primary meeting for action items (when possible) and reserve the second meeting of the month for workshops, special meetings, or no meeting when applicable. Third, the Town Manager has discussed the problem with Town Council previously whereby the heavy meeting requirements in some weeks have placed a constraint on Town Management in preparing the agenda. For the aforementioned reasons above, it is extremely difficult to issue the agenda packets by Wednesday. At this point in time, the Town Manager is not aware of any Town Council member having a problem with agenda issuance or not having enough time to review agendas. If Wednesday continues to be the required date, then some accommodation will need to be addressed in the contract.

In conclusion, Town Clerk Operational Responsibilities and Financial Management are the final items listed in the Agreement. Town Clerk operational responsibilities are in compliance despite losing our original Town Clerk to a move out of state. The only issue relates to some advisory

Committee minutes that are being revised to conform to an Action Minute format. Financial Management continues to be a part of the contracted services.

III. FISCAL IMPACT

The Town Management Company believes that the Town is receiving appropriate and outstanding service relative to the contract amount.

IV. ATTACHMENTS

Town of Loxahatchee Groves /Professional Services Agreement

V. RECOMMENDATION

Town Management would recommend Town Council review services received pursuant to the Agreement and find that the Management Company is meeting the requirements of the Agreement.

PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into as of the 30 day of September, 2011, by and between the **TOWN OF LOXAHATCHEE GROVES**, a Florida municipal corporation organized and operating pursuant to the laws of the State of Florida, with a business address of 14579 Southern Boulevard, Suite 2, Loxahatchee Groves, Florida 33470 ("Town") and **UNDERWOOD MANAGEMENT SERVICES GROUP, LLC**, a Florida limited liability company with a business address of 840 N.E. Stokes Terrace, Jensen Beach, Florida 34957 ("Underwood").

WITNESSETH:

WHEREAS, Underwood was organized to provide professional management and other specialized services to the Town and, for those purposes, the Town has retained Underwood to provide those services to the Town; and

WHEREAS, Underwood desires to be retained by the Town for the purpose of providing Town Manager services to the Town, subject to the terms and conditions hereof.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Incorporation. The foregoing recitals are true and correct and are hereby incorporated herein by this reference.

2. Retention of Underwood.

(a) Subject to the terms and conditions of this Agreement, the Town hereby retains Underwood to provide the Services (hereinafter defined) commencing on October 1, 2011 (the "Commencement Date") and Underwood hereby agrees to provide the Services to the Town. For purposes hereof, the "Services" shall mean the exercise and discharge of all of the powers, authority, duties and responsibilities of the Town Manager of the Town as such powers, authority, duties and responsibilities are set forth in the Town Charter of the Town (the "Town Charter"), including those services described in the Scope of Work which is attached hereto as **Exhibit "A"**.

(b) The Services include providing a Town Manager on a full-time basis, Town Clerk and clerical staff for a total of sixty (60) hours a week, and financial services required by the Town as provided in the Scope of Work attached hereto as **Exhibit "A"**.

(c) Beginning on the Commencement Date and continuing during the Term (hereinafter defined), Underwood shall perform the Services in compliance with all applicable federal, state and local laws associated with the position of Town Manager of a Florida municipality.

(d) The Town agrees that, to the fullest extent permissible under the law, in performing the Services, Underwood shall be entitled to all the rights, privileges and immunities afforded to individuals serving in the capacity of Town Manager of a Florida municipality pursuant to the United States Constitution, the Florida Constitution and all Federal, state and local laws and regulations.

(e) In connection with the retention of Underwood as described in this Agreement, it is the express intent of the Town to have the individuals named in Underwood's response to the RFP 2011-06 serve in the capacities identified. Underwood recognizes and understands that the Town is relying on the use of these individuals when contracting with Underwood and, except for the Town Manager position, Underwood shall advise the Town Council in writing of any changes to the assigned personnel as set forth in Underwood's response to the RFP 2011-06, and the Town Council shall have the right to approve any replacements, which approval shall not be unreasonably withheld. As to the Town Manager position, such may not be changed without the advance approval of the Town Council, which may approve or reject same for any or no reason; provided that if the change is to appoint William F. Underwood, II, approval by the Town Council shall not be unreasonably withheld.

3. Fee and Expenses.

(a) In return for the Services, Underwood shall be entitled to receive from the Town a monthly fee of Twenty Thousand Eight Hundred and Eight Five and 20/100 Dollars ($20,885.20) for the period commencing on the Commencement Date, (the "Base Fee"), which Base Fee shall be automatically adjusted on October 1, 2012 and on each October 1 thereafter during the Term in an amount equal to the percentage change in the Consumer Price Index - All Urban Consumers for the South Urban Region for the corresponding period. The Base Fee, as increased in accordance with the foregoing, is referred to herein as the "Fee." The Fee shall be payable to Underwood on a monthly basis throughout the Term (subject to "CPI" adjustments). Should the CPI adjustment be negative, then the adjustment would not apply. The initial month for which payment shall be due is October, 2011; provided that for October, 2011, the fee shall be pro-rated on a daily basis in the event Underwood cannot commence services under this Agreement on October 1, 2011. The monthly fee shall be payable on the first of each month following the month worked for the term of the Agreement. Each month during the Term, Underwood shall submit an invoice for the Fee then payable by the Town. The terms of the Florida Prompt Payment Act, Florida Statute Sections 218.70-.80, are hereby incorporated herein by this reference and the Town agrees to make payment in accordance with same.

(b) Commencing on the Commencement Date and throughout the Term hereof, the Town shall make available to Underwood, at no charge, offices, facilities, equipment and supplies as appropriate to enable Underwood to perform the Services as Town Manager. Underwood agrees that such offices, facilities, equipment and supplies shall be used solely for the Services, and shall not be used for any other services or purposes of Underwood.

(c) Underwood shall be responsible for payment of all fees and/or costs associated with maintaining professional designations, certifications or licenses of any

individuals required to possess a professional designation, certification or license by the Town Charter or the RFP 2011-06, subject to appropriation by the Town Council. Underwood may request that any fees and/or costs associated with maintaining professional designations, certifications or licenses under this section be reimbursed by the Town by application to the Town Council for reimbursement, which the approval or denial of a request for reimbursement will be in the discretion of the Town Council.

4. Term; Termination. The initial term of this Agreement (the "Initial Term") shall commence on the Commencement Date hereof and shall continue up to and including September 30, 2014, subject to the right of the parties to mutually agree, in writing, to extend the Initial Term for additional one year terms (the "Renewal Term") in each case subject to the right of earlier termination as hereafter provided. The Initial Term, together with any Renewal Term, is referred to herein as the "Term." The Town may terminate the Term of this Agreement at any time, without regard to any breach hereof by Underwood and without any liability or obligation to Underwood, only upon sixty (60) days prior written notice. Underwood may terminate the Term of this Agreement at any time, without regard to any breach hereof by the Town and without any liability or obligation to the Town, upon one hundred twenty (120) days prior written notice to the Mayor of the Town and the Town Council. In the event of a termination by either party under this paragraph, Underwood shall be entitled solely to payment of fees accrued but not yet paid through the date of termination. The rights and obligations of the Town and Underwood that arise prior to expiration of the Term, including the Town's obligation to pay to Underwood any earned and unpaid portion of the Fee, shall survive any termination or expiration of the Term of this Agreement.

5. Representations, Warranties and Covenants of Underwood and the Town.

(a) Underwood hereby represents and warrants that (i) it is a Florida limited liability company, duly organized, existing and in good standing under the laws of the State of Florida; (ii) it has the legal power and authority to enter into this Agreement and that the execution, delivery and performance of this Agreement has been duly authorized by Underwood; (iii) it has the professional expertise, experience and personnel to enable it to perform the Services; and (iv) it possesses any and all licenses or certifications required to perform the Services, that such licenses or certifications are current and that Underwood is and shall be in good standing with respect to such requirements throughout the Term of this Agreement.

(b) Underwood shall not commence performance hereunder until all insurance required under Sections 5(c) hereof and such insurance has been confirmed by the Town, nor shall Underwood allow any subcontractor to commence work on his subcontract until all similar such insurance required of the subcontractor has been obtained and approved.

(i) Certificates of Insurance reflecting evidence of the required insurance shall be filed with the Town's Attorney prior to the Commencement Date. These Certificates shall contain a provision that coverages afforded under these policies will not be cancelled until at least forty-five days (45) prior written notice has been given to the Town. Policies shall be issued by companies authorized to do business under the laws of the State of Florida.

Financial Ratings must be not less than "A-VI" in the latest edition of "Best Key Rating Guide", published by A.M. Best Guide.

(ii) Insurance shall be in force until the obligations required to be fulfilled under the terms of the Agreement are satisfied. In the event the insurance certificate provided indicates that the insurance shall terminate and lapse during the period of this Agreement, then in that event, Underwood shall furnish, at least forty-five (45) days prior to the expiration of the date of such insurance, a renewed certificate of insurance as proof that equal and like coverage for the balance of the period of the Agreement and extension thereunder is in effect. Underwood shall not commence nor continue to provide any Services pursuant to this Agreement unless all required insurance remains in full force and effect. Underwood shall be liable to Town for any lapses in service resulting from a gap in insurance coverage.

(c) Pursuant to Section 5(b) hereof, during the Term Underwood shall obtain and maintain the following minimum insurance:

(i) Errors & Omissions Coverage for Directors and Officers with a $1,000,000 limit

(ii) Worker's Compensation Insurance for all Underwood employees, with the following limits:

A.	Worker's Compensation Statutory Limits	
B.	Employer's Liability	$500,000 each accident
		$500,000 Disease-policy limit
		$500,000 Disease-each employee

If Underwood is or claims to be exempt from all or a portion of this requirement of Section 5(c)(ii), Underwood shall provide Town proof of such exemption along with a written request on Underwood letterhead for Town to exempt Underwood, which exemption shall not be unreasonably withheld.

(iii) Comprehensive Auto Liability coverage which shall include owned, hired and non-owned vehicles, with the following limits:

A.	Bodily Injury	
	1. Each Occurrence	$100,000
	2. Annual Aggregate	$500,000
B.	Property Damage	
	1. Each Occurrence	$100,000
	2. Annual Aggregate	$500,000

(iv) Underwood is required to post a Dishonesty Bond or its equivalent, as shall be determined to be necessary by the Town, in an amount equal to $1,000,000.00 with a deductible of no more than $5,000.00.

(d) Underwood shall name the Town as an additional insured on each of the policies required herein, and provide a certificate of insurance to the Town evidencing such coverages.

(e) The Town hereby represents and warrants that (i) it is duly organized and validly existing as a municipal corporation of the State of Florida; (ii) it has the legal power and authority to enter into this Agreement; and (iii) the execution, delivery and performance of this Agreement has been duly authorized by the Town Council.

(f) All required insurance shall be an expense of Underwood.

(g) Notwithstanding any other provision of Section 5 herein, in the event that Underwood certifies in writing to the Town Council that it is unable to obtain the insurance coverages required by Section 5(c), Underwood shall obtain the maximum available insurance coverage for each required category of insurance. If evidence of an available higher insurance coverage than that obtained by Underwood is presented to Underwood, Underwood shall obtain the higher insurance coverage up to those amounts required in Section 5(c).

6. Indemnification.

(a) Underwood hereby indemnifies and holds harmless the Town, its elected and appointed officers, agents and employees from and against any and all claims, demands or causes of action of whatsoever kind or nature, and any losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees sustained by the Town, its elected and appointed officers, agents and employees arising out of or resulting from the grossly negligent acts, or willful or fraudulent conduct of Underwood or other Underwood personnel performing the Services or otherwise arising from this Agreement.

(b) To the extent not prohibited by Florida law or inconsistent with the Town's sovereign immunity rights as contained in Section 768.28, Florida Statutes, Town hereby indemnifies and holds harmless Underwood, its managers and appointed officers, agents and employees from and against any and all claims, demands or causes of action of whatsoever kind or nature, and any losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees sustained by Underwood, its managers and appointed officers, agents and employees arising out of or resulting from grossly negligent acts, or willful or fraudulent conduct of the Town or other Town officials arising from this Agreement.

(c) Each party acknowledges the receipt of Ten Dollars ($10.00) and other good and valuable consideration as the specific consideration for the indemnities provided by each party herein.

(d) The provisions of this Section shall survive the termination or expiration of the Term of this Agreement.

7. Miscellaneous.

(a) *Notices.* Any and all notices permitted or required to be made under this Agreement shall be in writing, signed by the party giving such notice and shall be delivered personally, telecopied, telexed, or sent by certified mail or overnight mail via nationally recognized courier service (such as Federal Express), to the other party at the address set forth below, or at such other address as may be supplied in writing and of which receipt has been acknowledged in writing. The date of personal delivery, telecopy or telex or two (2) business days after the date of mailing (or the next business day after delivery to such courier service), as the case may be, shall be the date of such notice. For the purposes of this Agreement the address of the Town and Underwood shall be as follows:

To Underwood: Underwood Management Services Group, LLC.
c/o William F. Underwood II, Manager
840 N.E. Stokes Terrace
Jensen Beach, Florida 34957
Telephone No. (772) 334-2288
Facsimile No. ( )

To Town: David Browning, Mayor
14579 Southern Boulevard, Suite 2
Loxahatchee Groves, FL 33470
Telephone No. (561) 793-2418
Facsimile No. (561) 793-2420

With copy to: Office of the Town Attorney
Goren, Cherof, Doody & Ezrol, P.A.
3099 East Commercial Boulevard, Suite 200
Fort Lauderdale, Florida 33308
Telephone No. (561) 276-9400
Facsimile No. (954) 771-4923

or to such other address or such other person as any party shall designate, in writing, to the other for such purposes and in the manner hereinabove set forth.

(b) *Entire Agreement.* This Agreement sets forth all the promises, covenants, agreements, conditions and understandings between the parties hereto, and supersedes all prior and contemporaneous agreements, understandings, inducements or conditions, expressed or implied, oral or written, except as herein contained.

(c) *Amendment.* The parties hereby irrevocably agree that no attempted amendment, modification, termination, discharge or change (collectively, "Amendment") of this Agreement shall be valid and effective, unless the Town and Underwood shall agree in writing to such Amendment.

(d) *No Waiver.* No waiver of any provision of this Agreement shall be effective unless it is in writing and signed by the party against whom it is asserted, and any such written waiver shall only be applicable to the specific instance to which it relates and shall not be deemed to be a continuing or future waiver.

(e) *Headings.* The headings set forth in this Agreement are for convenience only and shall not be considered as part of this Agreement in any respect nor shall they in any way affect the substance of any provisions contained in this Agreement.

(f) *Governing Law.* This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of Florida, and any proceeding arising between the parties in any manner pertaining or related to this Agreement shall, to the extent permitted by law, be held in Palm Beach County, Florida.

(g) Relationship of Parties. This Agreement does not create an employee/ employer relationship between the parties. It is the intent of the parties that Underwood is an independent contractor under this Agreement and not the Town's employee for any and all purposes, including but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, the State Workers Compensation Act, and the State unemployment insurance law. Underwood shall retain sole and absolute discretion in the judgment of the manner and means of carrying out its activities and responsibilities hereunder. Underwood agrees that it is a separate and independent enterprise from the Town, that it has made its own investment in its business, and that it will utilize a high level of skill necessary to perform the work. This Agreement shall not be construed as creating any joint employment relationship between Underwood or other Underwood personnel and the Town, and the Town will not be liable for any obligation incurred by Underwood or other Underwood personnel, including but not limited to unpaid minimum wages and/or overtime premiums.

(h) *Extent of Agreement.* This Agreement represents the entire and integrated agreement between the Town and Underwood and supersedes all prior negotiations, representations or agreements, either written or oral.

(i) *Legal Representation.* It is acknowledged that each party to this Agreement had the opportunity to be represented by legal counsel in the preparation of this Agreement and, accordingly, the rule that a contract shall be interpreted strictly against the party preparing same shall not apply herein due to the joint contributions of both parties.

(j) *Amendment.* It is further agreed that no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

(k) *No Contingent Fees.* Underwood warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for Underwood to solicit or secure this Agreement, and that he has not paid or agreed to pay any person, company, corporation, individual or firm any fee, commission, percentage, gift, or other

consideration contingent upon or resulting from the award or making of this Agreement. For the breach or violation of this provision, the Town shall have the right to terminate the Agreement without liability at its discretion, to deduct from the contract price, or otherwise recover the full amount of such fee, commission, percentage, gift or consideration.

(l) *Assignment.* This Agreement, or any interest herein, shall not be assigned, transferred or otherwise encumbered, under any circumstances, by Underwood without the prior written consent of the Town.

(m) *Records.* Both Parties shall keep, maintain and preserve books and records for the required retention periods, as provided by Ch. 119, F.S., as amended from time to time.

(n) *Exhibits.* Each Exhibit referred to in this Agreement forms an essential part of this Agreement. The exhibits if not physically attached should be treated as part of this Agreement and are incorporated herein by reference.

(o) *Counterparts.* This Agreement may be executed in one or more counterparts, each of which shall be an original and all of which when taken together shall constitute one and the same instrument.

(p) *Provisions Severable.* This Agreement is intended to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules and regulations of the jurisdictions in which the parties do business. If any provision of this Agreement, or the application thereof to any person, entity or circumstance shall, for any reason or to any extent, be invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons, entities or circumstances shall not be affected thereby, but rather shall remain in full force and effect, and be construed and enforced to the greatest extent permitted by law as if such invalid or unenforceable provision(s) were omitted.

[All signatures on the following page]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first above written.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

By: David Browning
David Browning, Mayor

ATTEST:

Ann Harper
Town Clerk

APPROVED AS TO FORM:

Town Attorney

UNDERWOOD MANAGEMENT SERVICES GROUP, LLC

By: William F. Underwood II
Name: William F. Underwood II
Title: Manager

ATTEST:

Print Name: Sandra Stokes
Title: Witness

(CORPORATE SEAL)

STATE OF FLORIDA)
) ss:
COUNTY OF BROWARD COUNTY)

BEFORE ME, an officer duly authorized by law to administer oaths and take acknowledgments, personally appeared William F. Underwood II as Manager of Underwood Management Services Group LLC, and acknowledged execution of the foregoing Agreement as the duly authorized official of Underwood Management Services Group LLC, to execute same, for the use and purposes mentioned in it and affixed the official seal of the corporation, and that the instrument is the act and deed of that corporation.

IN WITNESS OF THE FOREGOING, I have set my hand and official seal at in the State and County aforesaid on this 29th day of September, 2011.

KIMBERLY M. LONGO
Notary Public - State of Florida
My Commission Expires Nov 14, 2011
Commission # DD 725847

Kimberly M Longo
NOTARY PUBLIC
My Commission Expires: 11-14-2011

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EXHIBIT "A"
Scope of Work
Ongoing and One time Tasks

TOWN MANAGER:

Town Charter Description of Duties for Town Manager:

1) As the chief administrative officer, the Town Manager shall:
   a. Direct and supervise the administration of all departments, offices, and agencies of the town, except the office of town attorney, and except as otherwise provided by this charter or by law.
   b. Appoint, suspend, or remove any employee of the town or appointive administrative officer provided for, by, or under this charter, except the office of town attorney, and except as may otherwise be provided by law, this charter, or personnel rules adopted pursuant to the charter. The Town Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
   c. Ensure that all laws, provisions of this charter, Town's Vision and acts of the council are faithfully executed.
   d. Prepare and submit the annual budget and capital program to the council in the form prescribed by ordinance.
   e. Attend meetings of the town council.
   f. Draw and sign vouchers upon depositories as provided by ordinance and keep, or cause to be kept, a true and accurate account of same.
   g. Sign all licenses issued by the town, issue receipts for all moneys paid to the Town of Loxahatchee Groves, and deposit such moneys in the proper depositories on the first banking day after receipt.
   h. Provide administrative services in support of the official duties of the mayor and the council.
   i. Keep the council advised as to the financial condition and future needs of the town and make recommendations to the council concerning the affairs of the Town.
   j. Sign contracts pursuant to and consistent with the authority provided by the Town's Charter and Ordinances.
   k. Provide administrative and staff support to all advisory committees, and boards, formed and appointed by the Town Council.
   l. Submit to the council, and make available to the public, the Town Management report on finances and administrative activities of the Town as of the end of June of each fiscal year. This Town Management Report will be part of the annual evaluation process by the Town Council.
   m. Perform such other duties as are specified in this charter or as may be required by the council.

Town Manager Operational Responsibilities:

1) **Meetings**
   a. Prepares all regular, special, intergovernmental coordination and workshop meeting agendas with the Town Attorney.
   b. Coordinates all special meetings and workshops (location, preparation and legal advertising)

2) **Contract Manager**
   a. Monitors all independent contractors on specific projects and on-going contractual agreements on behalf of the Town. Ensures proper compliance with the contract's terms and conditions.
   b. Monitors all contracts to ensure adherence to contractual obligations and report to Town Council when contract is not being fulfilled. Corrective measures will be recommended to the Town Council and enforced.
   c. Will make recommendations on any contracts should the contractual relationship change or the needs of the Town change.
   d. Serves as Contract Administrator on behalf of the Town for the Solid Waste Services Agreement between the Town and the Town's solid waste collection contractor, which at the time of this Agreement is Waste Pro. Also, serves as the liaison between the residents and Waste Pro to assist and help resolve customer complaints.
   e. Serves as direct liaison between the Town and Palm Beach County Sheriff's Office. Responsible for additional enforcement for speed enforcement and other matters directed by the Town Council.
   f. Oversees grant applications on behalf of the Town, including but not limited to, the oversight of application preparation and follow-up and, in the case of grants obtained, the maintenance of the records, the providing of required reports to grant providers and auditors, and compliance with the terms of the grant.
   g. Coordinates with the Town Council, Town Attorney and the Town Finance and audit Advisory Committee to competitively bid for services and capital improvements consistent with state and county laws, and the Town's procurement Ordinance. The Town Manager shall negotiate contracts with selected vendors with terms and conditions in the best interest of the Town. The Town Manager will also review draft agreements with the Town's Finance and Audit Advisory Committee and Town Attorney as part of the final contract recommendations to the Town Council.
   h. Ensure the Town's Compliance with the requirements of the Palm Beach County Office of Inspector General (OIG) Ordinance, including providing the OIG notice of all meetings where procurement is being scheduled to be discussed, responding to OIG inquiries, and providing information as may be requested from time to time by the OIG. The Town Manager should also use the resources of the OIG should he or she is concerned about possible violations of the OIG ordinance by Town vendors and contractors.

3) **Planning, Zoning, Building Matters**
   a. The Town has adopted its own land development code. The Town Manager is responsible for administering planning and zoning activities pursuant to the Town's land development regulation. Should such be done on a contractual basis with another entity, the Town Manager shall manage and oversee that contract.
   b. Liaison with Palm Beach County as to any agreements with the County on planning matters
   c. Should a land planning firm be contracted by the Town Council to handle all these matters on behalf of the Town, the Town Manager will manage and oversee the firm or individual that is retained to handle all Planning, Zoning, Building and Environmental Regulation matters on behalf of the Town.

4) **Emergency Management** ***(coordination during an emergency/disaster)***
   a. Serves as the manager of the Town's Emergency Operations Center and performs all duties as outlined in the Town's Emergency Operations Procedure Manual.
   b. Liaison with the Loxahatchee Groves CERT.
   c. Liaison with the LGWCD (Town's EOC)
   d. Serves as Manager for the Town's Point of Dispensing (POD) should the Strategic National Stockpile activate to protect public health for Palm Beach County.
   e. Liaison with PBC EOC (attends Emergency Management Meetings)
   f. Liaison with the Federal Emergency Management Agency (FEMA) and State of Florida Division of Emergency Management (FDEM)
   g. Manages and oversees the Town's Disaster Debris Removal Firms
   h. Manages and oversees the Town's Disaster Debris Removal Monitoring Contractor
   i. Liaison with Palm Beach County Solid Waste Authority
   j. Oversees any Town action and/or responses relating to post-event review by FEMA or FDEM
   k. Ensures all contractors comply with FEMA requirements, and is responsible for submitting invoices to FEMA with accompanying documentation as required for reimbursement.
   l. Keep Town Council informed of all these activities.
   m. Coordinates with the Palm Beach County Sheriff's Office, which provides law enforcement services to the Town, and Palm Beach County Fire Rescue which provides fire rescue and emergency medical services to the Town.
   n. Liaison with the Florida Division of Forestry.

5) **Code Enforcement**
   a. Manages the Town's Code Enforcement Officer
   b. Coordinates and prepares all necessary material, case files, and agendas for Code Enforcement Special Magistrate. Executes all Special Magistrate Orders.
   c. Provides reports to the Council on Code Enforcement matters on a schedule determined by the Council.

6) **Financial**
   a. Annual Budget

i. Presents the draft Budget to the Financial Advisory and Audit Committee with explanations of basis for each major line item and budget forecast. Obtains the Committee's input before recommending to the Town Council.
ii. Researches, prepares and presents annual budget for approval
iii. Researches and proposes millage rate necessary to fund the operations of the Town, consistent with state law.
iv. Meets with Town Council members and Town Attorney to finalize budget.
v. Schedules and legally advertises budget hearings (coordinate with PBC Property Appraiser's Office; Dino Maniotis)
vi. Non-Ad Valorem Assessment Preparation:
    1. Updates NAV database
    2. Transmits to PBC Tax Collector's Office
vii. Coordinates with the Town Attorney on the budget and special assessment schedule of hearings, and required notices.

b. Annually reviews and updates database and other information for:
i. Property valuations and necessary millage rates
ii. State of Florida 1/2 cent sales tax
iii. State of Florida Local Option Gas Taxes (5 cent and 6 cent)
iv. State of Florida Communications Service Tax
v. State of Florida Revenue Sharing
vi. Palm Beach County Water Utilities Department Franchise Fee
vii. FPL Public Utility Tax and Franchise Fee
viii. All other revenue sources

c. Procurement:
i. Purchasing Agent for Town
ii. Develop and adhere to the Town's Procurement Procedures Manual and the Town's Procurement Ordinance.
iii. Comply with Palm Beach County OIG requirements

d. Oversees Financial Manager's daily, monthly and yearly activities
e. Coordinates financial activities with the Town's Finance and Audit Advisory Committee as directed by the Town Council. Provides administrative support to the Town's Finance Advisory and Audit Committee in the selection and recommendations of an external auditor.

7) **Town Clerk:** Manages Town Clerk's daily, monthly and yearly activities

8) **Communication with residents and landowners:**
a. Maintains all design and content and keeps current the Town's official website.
b. Creates, edits and produces monthly newsletters and all flyers for special meetings, workshops and events.
c. Provide information on resident and property owner inquiries to Town Council as may be requested

9) **Water Control District:**

a. Work cooperatively with the Loxahatchee Groves Water Control District, including with its Administrator, and as may be directed by the Town Council.
b. Attend the Intergovernmental Coordination Committee meetings between the Town and the Water Control District

10) **Technology:**
a. Maintains and keeps current all software.
b. Maintains and keeps current all computer hardware
c. Maintains an official on-site and off-site backup of all information stored on the Town's computer.

11) **Meetings attended by the Town Manager:** The Town Manager is expected to attend all meetings of Town committees and boards, as well as government agencies and associations. For the Fiscal Year 2011-2012, the meetings are:
a. Town Council regular and special meetings and workshops
b. Town Finance and Audit Advisory Committee
c. Town Roadway, Equestrian Trials and Greenway Advisory Committee
d. Town Planning and Zoning Board
e. Palm Beach County League of Cities
f. Loxahatchee Groves Water Control District (LGWCD)
g. Intergovernmental Coordinating Committee (Voting Member)
h. Palms West Chamber of Commerce
i. Palms West Economic Development Task Force (Voting Member)
j. Western Communities Council
k. Palm Beach County Emergency Management Meeting (Mandatory*) (For Hurricane and Disaster Preparations; all public & private entities)
l. PBC Emergency Management-LMS (Mandatory*)
m. PBC Emergency Management-Municipalities Only (Mandatory*)
n. PBC Emergency Management- EM TEAM (Mandatory*)(Note:*Mandatory means being NIMS Compliant for FEMA funding)
o. Palm Beach County Solid Waste Authority (Town issues only)
p. Palm Beach County Water Utility Department (Town issues only)
q. South Florida Water Management District (Town issues only)
r. FDOT-SR-80 Southern Blvd. expansion project.

12) **Town Office.** Staff the Town Offices to be open Monday through Friday from 9:00 am to 4:00 pm, except government holidays as approved by the Council.

Summary of Primary Weekly Town Manager Operational Tasks:

Town Council and Committee Meetings: The Town Council conducts two regular meetings a month. The Town also has the following boards and committees:

Financial Advisory and Audit Committee
Roadway, Equestrian Trails and Greenway Advisory Committee
Planning and Zoning Board

For these meetings, the Town Management shall:

- Town Council, Committee and Board meetings: Provide staff as part of the contracted services to take minutes and perform the duties of Town Clerk during the actual meetings *(roll call and direction on agenda items)*. These minutes need to be transcribed and formatted to the Town Council, or the respective committee or board, within 2 weeks. The corrections need to be followed up as well. Once the documents are approved, they need to be certified, scanned to be put on the website then filed in the appropriate location.
- Agenda Packets. Provide staff as part of the contracted services to coordinate all backup material and research in order to construct the agenda packets. For Town Council meetings, an agenda memo needs to be written for each item with specific information so that the Town Council can be armed with the tools to make informed decisions. These packets need to be produced and assembled for distribution on the Wednesday before each meeting.
- Establish, approve, and post agendas. This needs to be finalized no later than the Wednesday before each meeting. Once finalized, the agenda and backup needs to be posted on the web, available at the Town Office, and sent to the media, Town Council and Town Attorney.

Legal Notices: All legal notices need to be drafted, posted, and advertised in a timely fashion in accordance with the Town's charter and Florida State Statutes for all meetings, hearings and ordinances.

Coordination with Town Attorney's Office: Coordinate matters with the Town Attorney's Office on an as needed basis.

Monthly Task Plan: After each Town Council meeting, a task plan needs to be created by using the bullet points created from the Town recordings. This task list is then divided up between the Town Manager and Town Attorney. This list needs to be managed throughout the month so that all of the tasks are completed in time as scheduled by the Council. *(The list is created and distributed to members of the Town Council within 24 hours of the completion of the Town Council meeting)*

REVIEW OF CONTRACT FOR TOWN MANAGEMENT SERVICES

Performance Criteria and Evaluation: The Contract for Town Management Services shall be reviewed annually. This annual review will be comprised of performance and evaluation criteria established and managed by the Town Council based upon the duties contained in the Contract for Town Management Services along with the Town Management Report through June of the current year prepared by the Town Manager. This annual review of the Contract for Town

Management Services shall occur no later than August 1 of each year. The Town Manager is responsible for placing this annual review on a Town Council agenda.

TOWN CLERK (as detailed in the Town Charter):

(5) TOWN CLERK.—The town manager shall appoint a town clerk or management firm to serve as town clerk (the "clerk"). The clerk shall give notice of council meetings to its members and the public, keep minutes of its proceedings, and perform such other duties as the council or town manager may prescribe from time to time. The clerk shall report to the town manager.

The Town Clerk Function is part of the contracted services.

TOWN CLERK OPERATIONAL RESPONSIBILITIES:

- Administers records management and election procedures in accordance with State Statutes and Town Charter and Code of Ordinances; attends Town Council meetings and prepares minutes;
- Acts as the Town election official and coordinates all activities relating to the Election Process for all elections.
- Maintains Town records and provides records and documents to the public and staff; interprets State, County and Town rules and regulations for records management and election procedures; ensures all Town documents are processed pursuant to legal procedures; interprets state and Town laws, rules, and regulations regarding the functions of the office.
- Prepare Council Agenda for Regular Meetings, Special Meetings, Workshops and Committee Meeting Packets
- Town Clerk or Town Staff Designee shall attend all Town Council Regular Meetings, Special Meetings, Workshops and Committee and Board Meetings to record and transcribe the minutes.
- Prepares and finalizes meeting minutes for Town Council approval
- Prepared and finalized minutes for Committee and Board meetings
- Index final adopted version of the minutes of Council meetings.
- Records all meetings and uploads to the Town's website
- Index ordinances and resolutions
- Maintain index of agreements/contracts between Town and various entities or individuals.
- Answer telephone, correspondence and citizen inquiries, including those regarding Town records or ordinances.
- Prepare proclamations and certificates.
- Prepare and transmit deeds to the Clerk of Court for recording in the public records of Palm Beach County.
- Prepare legal notices and advertisements as required Florida State Statutes

FINANCIAL MANAGEMENT

Financial Management is part of the contracted services.

FINANCIAL MANAGEMENT OPERATIONAL RESPONSIBILITIES:

- Follows all statutory requirements in maintaining the proper municipal accounting and financial systems necessary for proper reporting and auditing. Provides professional advice to Town Council.
- Oversees the posting and reconciliation of ledgers and accounts.
- Forecasts, estimates, and monitors the financial condition of the Town to assure the fiscal well being of the Town.
- Prepares annual department budget requests for submission to the Town Manager.
- Directs the preparation of state and federal financial reports.
- Maintains accounting and budgetary procedures in accordance with the Town's Accounting Policy and Procedures Manual, a copy of which is available through the Town Clerk's office.
- Prepares monthly and annual reports of financial activities, consistent with or equivalent to the Town's current format, an example of which is attached hereto.
- The Financial Manager shall review and approve the monthly and annual reports prior to their presentation to the Financial Advisory and Audit Committee and Town Council.
- Processes all invoices and payments
- Manages all investments and operating bank accounts
- Prepare and transmit all information necessary for yearly audit

Special Note: It is mandatory that the Town of Loxahatchee Groves use an accounting software that specializes in Municipal Government Accounting

AMENDMENT NUMBER 1
PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") **AND THIS PROFESSIONAL SERVICES AGREEMENT AMENDMENT NUMBER 1** ("Amendment") is made and entered into as of the 5th day of June, 2012, by and between the **TOWN OF LOXAHATCHEE GROVES**, a Florida municipal corporation organized and operating pursuant to the laws of the State of Florida, with a business address of 14579 Southern Boulevard, Suite 2, Loxahatchee Groves, Florida 33470 ("Town") and **UNDERWOOD MANAGEMENT SERVICES GROUP, LLC,** a Florida limited liability company with a business address of 840 N.E. Stokes Terrace, Jensen Beach, Florida 34957 ("Underwood").

WITNESSETH:

WHEREAS, Underwood was organized to provide professional management and other specialized services to the Town and, for those purposes, the Town has retained Underwood to provide those services to the Town; and

WHEREAS, Underwood was retained by the Town effective October 1, 2011, for the purpose of providing Town management services to the Town; and

WHEREAS, the Town is requesting more government management services be provided by Underwood; and

WHEREAS, this amendment shall be effective beginning May 1, 2012, and continuing through the term of the contract as described in Section 4. Term of the Agreement; and

WHEREAS, Underwood can provide the Town with additional and specialized services, subject to the terms and conditions of the Professional Services Agreement dated the 20th day of September 2011 and amendments contained hereof; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Paragraph 2. (b) of the agreement shall be modified:

The Services include providing a Town Manager on a full-time basis, Town Clerk, planning associate and clerical staff for a total of sixty (95~~60~~) hours a week, and financial services required by the Town as provided in the Scope of Work attached hereto as **Exhibit "A"**. This amendment to the Agreement specifies that Underwood will provide additional planning and zoning services as provided in the Scope of Work attached hereto as **Exhibit "B".** Other services requested by the Town Council that extend beyond the scope of Exhibit A or B can be performed pursuant to a separate Work Authorization presented and approved by the Town Council **in advance** on a project by project basis.

3. (a) Fee and Expenses of the agreement shall be modified:

(a) In return for the Services, **effective May 1, 2012** Underwood shall be entitled to receive from the Town a monthly fee of Twenty Seven Thousand One Hundred and Thirty Five and 20/100 Dollars ($27,135.20) ~~Twenty Thousand Eight Hundred and Eight Five and 20/100~~

~~Dollars ($20,885.20)~~ for the period commencing on the Commencement Date, (the "Base Fee"), which Base Fee shall be automatically adjusted on October 1, 2012 and on each October 1 thereafter during the Term in an amount equal to the percentage change in the Consumer Price Index - All Urban Consumers for the South Urban Region for the corresponding period. The Base Fee, as increased in accordance with the foregoing, is referred to herein as the "Fee." The Fee shall be payable to Underwood on a monthly basis throughout the Term (subject to "CPI" adjustments). Should the CPI adjustment be negative, then the adjustment would not apply. The initial month for which payment shall be due is October, 2011; provided that for October, 2011, the fee shall be pro-rated on a daily basis in the event Underwood cannot commence services under this Agreement on October 1, 2011. The monthly fee shall be payable on the first of each month following the month worked for the term of the Agreement. Each month during the Term, Underwood shall submit an invoice for the Fee then payable by the Town. The terms of the Florida Prompt Payment Act, Florida Statute Sections 218.70-.80, are hereby incorporated herein by this reference and the Town agrees to make payment in accordance with same.

All terms and conditions of the Professional Services Agreement not in conflict herewith shall remain in full force and effect. In the event of any conflict between this Amendment Number 1 and the Professional Services Agreement, the terms and conditions of this Amendment Number 1 shall prevail.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 to be executed as of the date first above written.

ATTEST

Town Clerk

APPROVED AS TO FORM:

Town Attorney

TOWN OF LOXAHATCHEE GROVES, FLORIDA

By: David Browning

David Browning , Mayor

UNDERWOOD MANAGEMENT SERVICES GROUP, LLC

By: W. F. Underwood, II

William F. Underwood, II

Title: Managing Partner

Town of Loxahatchee Groves, Florida
Work Authorization for Professional Services

Consultant: Underwood Management Services Group, LLC.
Work Authorization No.: _____ Date: _____

Address: 840 NE Stokes Terrace
Jensen Beach, Fl. 34957

Brief Description of Task:

The total amount or the limiting amount of the compensation will be: $_____ unless additional services are authorized by the Town.

Compensation elements are as follows:

	Method of Compensation	Amount ($)	Task Code
Total:		$ -	

Other Notes:

Town of Loxahatchee Groves Approval:

Approved by the Town Council on: _____
Date

Authorized Signature: _____
Mayor

EXHIBIT B

AMENDMENT NUMBER 1
PROFESSIONAL SERVICES AGREEMENT
PLANNING AND ZONING SERVICES

The Town has adopted its own Comprehensive Plan and Land Development Code. Underwood is responsible for managing, overseeing and performing daily administration of planning and zoning activities pursuant to the Town's Plan and land development regulations. Such activities include but are not limited to:

- the review of business tax receipts
- administration of cost recovery
- review, issuance, and enforcement of manure licenses
- general public inquiries and calls related to all planning and zoning matters
- review of building permits
- code enforcement and P&Z related aspects of code enforcement
- processing and filing of development applications
- lien searches

Activities that require extensive time effort and cost will be approved through a Work Authorization presented and approved by the Town Council pursuant to the rate schedule indicated below:

Hourly Charge Rate for:

Principal	$125.00
Town Manager	$110.00
Senior Planner	$100.00
Planning Technician	$ 45.00
Code Compliance Services	$ 45.00
Support Staff	$ 30.00

ITEM 10. c.– NEW BUSINESS

Planning Issues Associated With the Moratorium

TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

TO: Mayor and Town Council

FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM

DATE: August 2, 2012

SUBJECT: Planning Issues Associated with the Moratorium

I. BACKGROUND/HISTORY

On June 26, 2012, the Tow Council adopted a moratorium for the processing and review of Applications for Amendments to the Town's Comprehensive Plan that is in effect until November 30, 2012. Additionally, The Town Council has had several discussions related to land use along the Okeechobee and Southern Blvd. Corridors. The last discussion occurred on July 17, 2012 and at that meeting it was determined that Town Management would return to Town Council and identify some issues and alternatives to consider for further development of the Comprehensive Plan amendments that would address the pending issues relative to the moratorium. If Town Council was in agreement with issues brought forward and the approach, Town Management would generate a work authorization for Town Council approval at the August 21, 2012 Meeting.

II. DISCUSSION

The following major work activities would be necessary to accomplish the objectives of the Comprehensive plan moratorium.

1. Review the Land Use Element of the comprehensive plan for any necessary amendments to the element text.

- Review and amendment of Goals, Objectives and Policies regarding Okeechobee Boulevard.
- Review and amendment of Goals, Objectives and Policies regarding Southern Boulevard.

2. Review of the following issues in concert with Issue 1 above

- Review of Floor Area Ratios along the Okeechobee/Southern Boulevard corridors as well as the overall town land use.
- Explore expanding the opportunities for Home Offices and Residential Enterprises
- Examine the potential problems and pitfalls related to the prohibition of Commercial on Okeechobee Blvd.
- Examine the possibility of utilizing the Transfer of Development Rights (TDR) within the Okeechobee Blvd corridor.
- Explore the possibility of utilizing market force considerations for future land use decisions
- Revisit parcel sizes and minimum width/depth requirements related to future development along Southern Boulevard.
- Review existing development and approvals along both corridors and summarize the results for inclusion and development of proposals related to both corridors.
- Determination of appropriate locations for commercial agricultural businesses along corridors and the Town as a whole.
- In conjunction with all of the above a compare/contrast review of requirements contained currently in the ULDC to ensure that no consistency problems exist.

3. Review of the Tangerine/Citrus Boulevard issue to determine the proper treatment and policy of this issue.

III. FISCAL IMPACT

Should Town Council be satisfied with the proposals above, Town Management will prepare a work authorization which will develop costs associated with this planning effort. In the proposal, it will probably be necessary to hold workshop meetings with **property owners holding ownership of land within both corridors.**

IV. ATTACHMENTS

None

V. RECOMMENDATION

Town Management would recommend that Town Council follow the recommendations above and authorize Town Management to move forward with a work authorization for August 21, 2012.

ITEM 10. d.– NEW BUSINESS

Loxahatchee Groves Water Control District Administrator Request to Waive the Pre-Authorization Requirement for Roads Graded by the District Without Town Approval

TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

TO: Mayor and Town Council

FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM

DATE: August 2, 2012

SUBJECT: Loxahatchee Groves Water Control District Administrator Request to Waive the Pre-authorization requirement for roads Graded by the District Without Town Approval

I. BACKGROUND/HISTORY

On July 18, 2012, the Town Manager received a letter from the LGWCD Administrator transmitting documentation regarding Town Road maintenance work provided by the District for the months of October through December 2011. The Town Manager responded on July 24, 2012 and advised that due to the scope of work and process being outlined in the Interlocal Agreement (ILA) between the Town and District (specifically provision 2.2, 2.2.1, 2.2.2 and 2.2.3) it was his opinion that he could not waive the pre-authorization requirements. Instead, the Town Manager advised the District Administrator to send an official request to the Town and it would be placed on the August 7th Town Council Agenda for Town Council Consideration. The LGWCD Administrator chose that option and this request is brought before Town Council.

II. DISCUSSION

The ILA between the Town and the District calls for the District to provide maintenance services on Non-District Roads upon a written request from the Town to the District. During the months of October 2011 through December 2011, the District provided maintenance on some roads without obtaining Town Approval. The LGWCD Administrator advises that the District either received a request from the public or LGWCD field staff took the initiative to grade the roads in order to correct what they felt was an unsafe situation. The District Administrator believes the

situation occurred due to the transition period between the staffs in assimilation of the ILA requirements. Please note that several requested roadways had already been paid by Town Staff.

III. FISCAL IMPACT

Any charges would be in line with the aforementioned Interlocal Agreement.

IV. ATTACHMENTS

July 18, 2012 letter from Clete Saunier to Mark Kutney

July 24, 2012 letter from Mark Kutney to Clete Saunier

LGWCD documentation related to Town Road Maintenance during the months of October – December 2011 with Town Staff notations of road work previously paid.

V. RECOMMENDATION

If so inclined, Town Council should consider a motion to approve payment for the road work in question with direction to Town Staff to deduct previously paid road work from the request.

LOXAHATCHEE GROVES
WATER CONTROL DISTRICT

July 18, 2012

Mark Kutney, Town Manager
Town of Loxahatchee Groves
14579 Southern Boulevard, Suite 2
Loxahatchee, Florida 33470

RE: TOWN ROAD MAINTENANCE INVOICING / OCTOBER - DECEMBER, 2011

Dear Mark:

I have enclosed our documentation regarding Town Road maintenance work provided by the District for the months of October 2011 - December 2011. After thorough review, we have determined some roads were graded without prior authorization from the Town. In each instance, the District either received a request from the public or my field staff took the initiative to grade these roads in order to correct what they felt was an unsafe situation.

The enclosed monthly grading reports provide a list of the roads, the date the Town approved the road to be graded, and the date they were graded by the District. The roads that were graded by the District without prior authorization from the Town are indicated by "N/A*" in the column "Date Approved By Town."

I request that you consider waiving the pre-authorization requirement on those roads the District graded without Town approval. As you know, this was a transition period for our respective staffs to assimilate into the current request-approval-completion process outlined in the Town Road Maintenance ILA.

All subsequent invoicing from January 2012 to present will incorporate the new service request forms created by Steve Hainline with input from my staff. These forthcoming invoices will reflect only those Town Road services provided by the District that were "pre-authorized" by the Town. We should have all invoicing up to date and submitted by the end of July.

Please call me if you have any questions.

Sincere regards,
LOXAHATCHEE GROVES WATER CONTROL DISTRICT

Clete J. Saunier, P.E.
District Administrator

CJS/lrb
enclosure
cc: Carmen P. Geraine

POST OFFICE BOX 407 • 101 WEST D ROAD • LOXAHATCHEE, FLORIDA 33470-0407
PHONE (561) 793-0884 • FAX (561) 795-6157

Town of Loxahatchee Groves

14579 Southern Boulevard, Suite 2 ▪ Loxahatchee Groves, Florida 33470 ▪ (561) 793-2418 Phone ▪ (561) 793-2420 Fax ▪ clerk@loxahatcheegroves.org

July 24, 2012

Mr. Clete Saunier, P.E.
District Administrator
Post Office Box 407
101 West D Road
Loxahatchee, Florida 33470-0407

RE: Town Maintenance Invoicing/October-December, 2011

Dear Clete:

I am in receipt of your July 18, 2012 letter regarding the issue above. Thank you for the submittal of the additional information. Pursuant to your request that I waive the pre-authorization requirement for a number of roads that were graded without prior authorization by the town during the months of October through December 2011, please be aware of the following considerations.

First, I understand that there may have been transition issues during the months in question. However, I don't believe that I have the authority to waive the provisions 2.2, 2.2.1, 2.2.2 and 2.2.3 of the ILA due to the fact that they deal with the expenditure of public funds related to maintenance work. I believe that such approval should come from the Loxahatchee Groves Town Council. Second, should you desire to obtain payment for the services provided, my recommendation would be that you send my office an official request and I will place this matter on the Town Council Agenda for August 7, 2012.

I appreciate your cooperation in following the service request forms created by my staff earlier this year and look forward to your continued cooperation. Town Management believes that this process is still the best method in ensuring that necessary work is completed and the expenditure of public funds is conducted in a manner that provides for accountability and transparency.

I will await your letter for prompt processing.

Best regards,

Mark A. Kutney, AICP, ICMA-CM
Town Manager

LOXAHATCHEE GROVES
WATER CONTROL DISTRICT

9E

TRANSMITTAL COVER SHEET

VIA HAND DELIVERY ON JULY 19, 2012

TO:	MARK KUTNEY, TOWN MANAGER
FIRM:	TOWN OF LOXAHATCHEE GROVES
ADDRESS:	14579 SOUTHERN BOULEVARD, SUITE 2 LOXAHATCHEE, FL 33470
PHONE:	(561) 793-2418
FAX:	(561) 793-2420
FROM:	CLETE J. SAUNIER, P.E. / LYNNETTE R. BALLARD
FIRM:	LOXAHATCHEE GROVES WATER CONTROL DISTRICT
FAX:	(561) 795-6157
PHONE:	(561) 793-0884
DATE:	JULY 19, 2012
RE:	**TOWN ROAD MAINTENANCE INVOICING OCTOBER - DECEMBER, 2011**

MESSAGE:

This transmittal cover sheet will confirm that the following was hand-delivered to you at the Town office on Thursday, July 19, 2012:

1. Letter dated July 18, 2012 from Clete J. Saunier, District Administrator
2. Town Road Grading Reports dated October 2011, November 2011, and December 2011
3. Town Road Maintenance Logs dated October 2011, November 2011, and December 2011

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PHONE (561) 793-0884 • FAX (561) 795-6157

LOXAHATCHEE GROVES
WATER CONTROL DISTRICT

July 18, 2012

Mark Kutney, Town Manager
Town of Loxahatchee Groves
14579 Southern Boulevard, Suite 2
Loxahatchee, Florida 33470

RE: TOWN ROAD MAINTENANCE INVOICING / OCTOBER - DECEMBER, 2011

Dear Mark:

I have enclosed our documentation regarding Town Road maintenance work provided by the District for the months of October 2011 - December 2011. After thorough review, we have determined some roads were graded without prior authorization from the Town. In each instance, the District either received a request from the public or my field staff took the initiative to grade these roads in order to correct what they felt was an unsafe situation.

The enclosed monthly grading reports provide a list of the roads, the date the Town approved the road to be graded, and the date they were graded by the District. The roads that were graded by the District without prior authorization from the Town are indicated by "N/A*" in the column "Date Approved By Town."

I request that you consider waiving the pre-authorization requirement on those roads the District graded without Town approval. As you know, this was a transition period for our respective staffs to assimilate into the current request-approval-completion process outlined in the Town Road Maintenance ILA.

All subsequent invoicing from January 2012 to present will incorporate the new service request forms created by Steve Hainline with input from my staff. These forthcoming invoices will reflect only those Town Road services provided by the District that were "pre-authorized" by the Town. We should have all invoicing up to date and submitted by the end of July.

Please call me if you have any questions.

Sincere regards,
LOXAHATCHEE GROVES WATER CONTROL DISTRICT

Clete J. Saunier, P.E.
District Administrator

CJS/lrb
enclosure
cc: Carmen P. Geraine

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TOWN ROAD GRADING REPORT
OCTOBER, 2011

DATE GRADED BY DISTRICT	DATE APPROVED BY TOWN	TOWN ROAD NAME
October 24, 2011	N/A*	Valencia Drive
October 24, 2011	N/A*	Loxahatchee Drive
October 24, 2011	N/A*	Rackley Road
October 24, 2011	October 19, 2011	Raymond Drive
October 25, 2011	October 19, 2011	Casey Road
October 25, 2011	N/A*	Global Trail
October 25, 2011	N/A*	22nd Road North - C Road
October 25, 2011	N/A*	160th Street North
October 26, 2011	October 13, 2011	161st Terrace North
October 27, 2011	N/A*	San Diego Drive
October 27, 2011	N/A*	West "C" Road
October 27, 2011	N/A*	Citrus Drive
October 28, 2011	N/A*	Forest Lane
October 28, 2011	N/A*	Flamingo Drive
October 28, 2011	N/A*	Paradise Trail

* Written approval was not received from the Town. However, District Staff deemed these roads were in such neglect that they needed to be graded immediately. In some cases, requests for service were made by the public. If not, District Field Staff took the initiative to correct unsafe road conditions.

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

OCTOBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
10TH PLACE NORTH	BLOCK B	0.081		160.00	0.00
11TH LANE NORTH	BLOCK F	0.351		160.00	0.00
11TH TERRACE	BLOCK C	0.244		160.00	0.00
12TH PLACE NORTH	BLOCK E	0.197		160.00	0.00
131ST TERRACE NORTH	BLOCK F	0.147		160.00	0.00
13TH PLACE NORTH	BLOCK F (FOLSOM)	0.282		160.00	0.00
13TH PLACE NORTH	BLOCK F (F ROAD)	0.166		160.00	0.00
145TH TERRACE N	T: 43S / R: 41E	0.457		160.00	0.00
147TH AVENUE NORTH	BLOCK C	0.126		160.00	0.00
147TH DRIVE NORTH	BLOCK C	0.115		160.00	0.00
148TH TERRACE N	T: 43S / R: 41E	0.339		160.00	0.00
149TH AVENUE NORTH	BLOCK I	0.126		160.00	0.00
14TH PLACE NORTH	BLOCK E	0.257		160.00	0.00
152ND WAY NORTH	BLOCK B	0.068		160.00	0.00
160TH STREET N	T: 43S / R: 41E	0.394	1	160.00	63.04
161ST TERRACE N	T: 43S / R: 40E	2.014	1	160.00	322.24
17TH ROAD NORTH	BLOCK B	0.076		160.00	0.00
21ST ROAD NORTH	BLOCK C	0.126		160.00	0.00
22ND COURT NORTH	BLOCK F	0.292		160.00	0.00
22ND ROAD NORTH	BLOCK C (C ROAD)	0.248	1	160.00	39.68
22ND ROAD NORTH	BLOCK E (E ROAD)	0.156		160.00	0.00
22ND ROAD NORTH	BLOCK F (F ROAD)	0.210		160.00	0.00
23RD COURT NORTH	BLOCK E	0.189		160.00	0.00
24TH CIRCLE NORTH	BLOCK C	0.177		160.00	0.00

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

OCTOBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
24TH COURT NORTH	BLOCK C (C ROAD)	0.282		160.00	0.00
24TH COURT NORTH	BLOCK D (E ROAD)	0.194		160.00	0.00
24TH COURT NORTH	BLOCK E (WEST F)	0.250		160.00	0.00
24TH COURT NORTH	BLOCK F (EAST F)	0.406		160.00	0.00
25TH PLACE NORTH	BLOCK B (C ROAD)	0.136		160.00	0.00
25TH PLACE NORTH	BLOCK C (D ROAD)	0.145		160.00	0.00
27TH LANE NORTH	BLOCK C	0.135		160.00	0.00
30TH COURT NORTH	BLOCK B (C ROAD)	0.141		160.00	0.00
30TH COURT NORTH	BLOCK D (D ROAD)	0.132		160.00	0.00
34TH PLACE NORTH	BLOCK C	0.135		160.00	0.00
35TH PLACE NORTH	BLOCK D	0.127		160.00	0.00
40TH STREET N	T: 43S / R: 41E	1.462		160.00	0.00
41ST ROAD N	T: 43S / R: 41E	0.068		160.00	0.00
42ND ROAD N	T: 43S / R: 41E	0.153		160.00	0.00
42ND STREET N	T: 43S / R: 41E	0.234		160.00	0.00
43RD ROAD N	T: 43S / R: 41E (GLOBAL)	0.194		160.00	0.00
43RD ROAD N	T: 43S / R: 41E (140TH)	0.394		160.00	0.00
44TH STREET N	T: 43S / R: 41E	0.235		160.00	0.00
8TH PLACE NORTH	BLOCK C	0.319		160.00	0.00
APRIL DRIVE	BLOCK C	0.164		160.00	0.00
BIDDIX ROAD	BLOCK D	0.191		160.00	0.00
BRYAN ROAD	BLOCK F	0.749		160.00	0.00
BUNNY LANE	BLOCK C	0.244		160.00	0.00
(WILSON) CASEY ROAD	BLOCK F	0.748	1	160.00	119.68

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

OCTOBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
CITRUS DRIVE	BLOCK K	0.243	1	160.00	38.88
COMPTON ROAD	BLOCK F	0.748		160.00	0.00
EAST CITRUS DRIVE	BLOCK K	0.501		160.00	0.00
EDITH ROAD	BLOCK E	0.197		160.00	0.00
FARLEY ROAD	BLOCK E	0.197		160.00	0.00
FERRIS LANE	BLOCK A	0.194		160.00	0.00
FLAMINGO DRIVE	BLOCK C	0.186	1	160.00	29.76
FOREST LANE	BLOCK B	0.188	1	160.00	30.08
FORTNER DRIVE	BLOCK B (B ROAD)	0.126		160.00	0.00
FORTNER DRIVE	BLOCK B (C ROAD)	0.135		160.00	0.00
FOX TRAIL	BLOCK E	0.204		160.00	0.00
GLOBAL TRAIL	T: 43S / R: 41E	0.519	1	160.00	83.04
GREAT DANE LANE	BLOCK F	0.130		160.00	0.00
GRUBER LANE	BLOCK C	0.489		160.00	0.00
HYDE PARK ROAD	BLOCK E	0.518		160.00	0.00
IAN TRAIL	T: 43S / R: 41E	0.384		160.00	0.00
JEWEL LANE	BLOCK B	0.103		160.00	0.00
KAZEE ROAD	BLOCK G	0.432		160.00	0.00
KERRY LANE	BLOCK E	0.260		160.00	0.00
LOS ANGELES DRIVE	BLOCK B	0.244		160.00	0.00
LOXAHATCHEE DRIVE	BLOCK K	0.180	1	160.00	28.80
MARCELLA BOULEVARD	BLOCK F	0.749		160.00	0.00
MARCH CIRCLE	BLOCK F	0.174		160.00	0.00
MORROW COURT	BLOCK B	0.180		160.00	0.00

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

OCTOBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
ORANGE AVENUE	BLOCK K	0.075		160.00	0.00
PADDLE FOOT ROAD	BLOCK E	0.086		160.00	0.00
PARADISE TRAIL	BLOCK C	0.186	1	160.00	29.76
PERKINS DRIVE	BLOCK F	0.336		160.00	0.00
PINEAPPLE DRIVE	BLOCK I	0.434		160.00	0.00
QUAIL ROAD	BLOCK F	0.135		160.00	0.00
RACKLEY ROAD	BLOCK F	0.146	1	160.00	23.36
RAYMOND DRIVE	BLOCK F	0.337	1	160.00	53.92
ROBERTS WAY	BLOCK B	0.229		160.00	0.00
SALLY'S ALLEY	BLOCK B	0.244		160.00	0.00
SAN DIEGO DRIVE	BLOCK B	0.244	1	160.00	39.04
SCOTTS PLACE	BLOCK B	0.213		160.00	0.00
SHAMROCK DRIVE	BLOCK B	0.244		160.00	0.00
SIXTH COURT NORTH	BLOCK I (WEST D)	0.177		160.00	0.00
SIXTH COURT NORTH	BLOCK K (EAST D)	1.733		160.00	0.00
SNAIL TRAIL	BLOCK C	0.244		160.00	0.00
TANGERINE DRIVE	BLOCK K	0.510		160.00	0.00
TEMPLE DRIVE	BLOCK I	0.100		160.00	0.00
TIMBERLANE PLACE	BLOCK B	0.219		160.00	0.00
TRIPP ROAD	BLOCK D	0.242		160.00	0.00
VALENCIA DRIVE	BLOCK K	0.136	1	160.00	21.76
WEST "B" ROAD	BLOCK A	0.340		160.00	0.00
WEST "C" ROAD	BLOCK B	0.623	1	160.00	99.68
WEST "D" ROAD	BLOCK I (SOUTH C.C.)	0.314		160.00	0.00

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

OCTOBER 2011

TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
WEST 'D' ROAD	BLOCK C (NORTH C.C.)	0.388		160.00	0.00
WEST 'F' ROAD	BLOCK E	0.198		160.00	0.00
WILLIAMS DRIVE	BLOCK B	0.193		160.00	0.00
				TOTAL MONTHLY COST =	1,022.72
				MONTHLY MILEAGE =	6.392

TOWN ROAD GRADING REPORT
NOVEMBER, 2011

DATE GRADED BY DISTRICT	DATE APPROVED BY TOWN	TOWN ROAD NAME
November 3, 2011	November 2, 2011	Pineapple Drive
November 3, 2011	November 2, 2011	Valencia Drive
November 3, 2011	November 2, 2011	Tangerine Drive
November 3, 2011	November 2, 2011	Citrus Drive
November 3, 2011	November 2, 2011	East Citrus Drive
November 3, 2011	November 2, 2011	Loxahatchee Drive
November 3, 2011	November 2, 2011	Sixth Court North (East of "D" Road)
November 3, 2011	November 2, 2011	West "D" Road (South of CC Road)
November 3, 2011	November 2, 2011	12th Place North
November 8, 2011	November 18, 2011 November 21, 2011	San Diego Drive
November 23, 2011	November 2, 2011	13th Place North
November 23, 2011	November 2, 2011	14th Place North
November 23, 2011	November 2, 2011	Edith Road
November 23, 2011	November 2, 2011	Fox Trail
November 23, 2011	November 2, 2011	Farley Road
November 1, 2011	November 2, 2011	Kerry Lane
November 23, 2011	November 2, 2011	Casey Road
November 23, 2011	November 4, 2011	24th Court North (East of "F" Road)
November 23, 2011	November 2, 2011	Kazee Road
November 23, 2011	November 2, 2011	March Circle

TOWN ROAD GRADING REPORT
NOVEMBER, 2011
(CONTINUED)

DATE GRADED BY DISTRICT	DATE APPROVED BY TOWN	TOWN ROAD NAME
November 23, 2011	November 18, 2011	Hyde Park Road
November 23, 2011	N/A*	Paradise Trail
November 28, 2011	November 18, 2011	Raymond Drive
November 23, 2011	November 7, 2011	22nd Road North-C Road
November 13, 2011	November 4, 2011	24th Court North-F Road (East)
November 23, 2011	November 18, 2011	161st Terrace North

* Written approval was not received from the Town. However, District Staff deemed these roads were in such neglect that they needed to be graded immediately. In some cases, requests for service were made by the public. If not, District Field Staff took the initiative to correct unsafe road conditions.

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

NOVEMBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
10TH PLACE NORTH	BLOCK B	0.081		160.00	0.00
11TH LANE NORTH	BLOCK F	0.351		160.00	0.00
11TH TERRACE	BLOCK C	0.244		160.00	0.00
12TH PLACE NORTH	BLOCK E	0.197	1	160.00	31.52
131ST TERRACE NORTH	BLOCK F	0.147		160.00	0.00
13TH PLACE NORTH	BLOCK F (FOLSOM)	0.282	1	160.00	45.12
13TH PLACE NORTH	BLOCK F (F ROAD)	0.166		160.00	0.00
145TH TERRACE N	T: 43S / R: 41E	0.457		160.00	0.00
147TH AVENUE NORTH	BLOCK C	0.126		160.00	0.00
147TH DRIVE NORTH	BLOCK C	0.115		160.00	0.00
148TH TERRACE N	T: 43S / R: 41E	0.339		160.00	0.00
149TH AVENUE NORTH	BLOCK I	0.126		160.00	0.00
14TH PLACE NORTH	BLOCK E	0.257	1	160.00	41.12
152ND WAY NORTH	BLOCK B	0.068		160.00	0.00
160TH STREET N	T: 43S / R: 41E	0.394		160.00	0.00
161ST TERRACE N	T: 43S / R: 40E	2.014	1	160.00	322.24
17TH ROAD NORTH	BLOCK B	0.076		160.00	0.00
21ST ROAD NORTH	BLOCK C	0.126		160.00	0.00
22ND COURT NORTH	BLOCK F	0.292		160.00	0.00
22ND ROAD NORTH	BLOCK C (C ROAD)	0.248	1	160.00	39.68
22ND ROAD NORTH	BLOCK E (E ROAD)	0.156		160.00	0.00
22ND ROAD NORTH	BLOCK F (F ROAD)	0.210		160.00	0.00
23RD COURT NORTH	BLOCK E	0.189		160.00	0.00
24TH CIRCLE NORTH	BLOCK C	0.177		160.00	0.00

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

NOVEMBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
24TH COURT NORTH	BLOCK C (C ROAD)	0.282		160.00	0.00
24TH COURT NORTH	BLOCK D (E ROAD)	0.194		160.00	0.00
24TH COURT NORTH	BLOCK E (WEST F)	0.250		160.00	0.00
24TH COURT NORTH	BLOCK F (EAST F)	0.406	1/2	160.00	~~129.92~~
25TH PLACE NORTH	BLOCK B (C ROAD)	0.136		160.00	0.00
25TH PLACE NORTH	BLOCK C (D ROAD)	0.145		160.00	0.00
27TH LANE NORTH	BLOCK C	0.135		160.00	0.00
30TH COURT NORTH	BLOCK B (C ROAD)	0.141		160.00	0.00
30TH COURT NORTH	BLOCK D (D ROAD)	0.132		160.00	0.00
34TH PLACE NORTH	BLOCK C	0.135		160.00	0.00
35TH PLACE NORTH	BLOCK D	0.127		160.00	0.00
40TH STREET N	T: 43S / R: 41E	1.462		160.00	0.00
41ST ROAD N	T: 43S / R: 41E	0.068		160.00	0.00
42ND ROAD N	T: 43S / R: 41E	0.153		160.00	0.00
42ND STREET N	T: 43S / R: 41E	0.234		160.00	0.00
43RD ROAD N	T: 43S / R: 41E (GLOBAL)	0.194		160.00	0.00
43RD ROAD N	T: 43S / R: 41E (140TH)	0.394		160.00	0.00
44TH STREET N	T: 43S / R: 41E	0.235		160.00	0.00
8TH PLACE NORTH	BLOCK C	0.319		160.00	0.00
APRIL DRIVE	BLOCK C	0.164		160.00	0.00
BIDDIX ROAD	BLOCK D	0.191		160.00	0.00
BRYAN ROAD	BLOCK F	0.749		160.00	0.00
BUNNY LANE	BLOCK C	0.244		160.00	0.00
(WILSON) CASEY ROAD	BLOCK F	0.748	1	160.00	119.68

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

NOVEMBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
CITRUS DRIVE	BLOCK K	0.243	1	160.00	38.88
COMPTON ROAD	BLOCK F	0.748		160.00	0.00
EAST CITRUS DRIVE	BLOCK K	0.501	1	160.00	80.16
EDITH ROAD	BLOCK E	0.197	1	160.00	31.52
FARLEY ROAD	BLOCK E	0.197	1	160.00	31.52
FERRIS LANE	BLOCK A	0.194		160.00	0.00
FLAMINGO DRIVE	BLOCK C	0.186		160.00	0.00
FOREST LANE	BLOCK B	0.188		160.00	0.00
FORTNER DRIVE	BLOCK B (B ROAD)	0.126		160.00	0.00
FORTNER DRIVE	BLOCK B (C ROAD)	0.135		160.00	0.00
FOX TRAIL	BLOCK E	0.204	1	160.00	32.64
GLOBAL TRAIL	T: 43S / R: 41E	0.519		160.00	0.00
GREAT DANE LANE	BLOCK F	0.130		160.00	0.00
GRUBER LANE	BLOCK C	0.489		160.00	0.00
HYDE PARK ROAD	BLOCK E	0.518	1	160.00	82.88
IAN TRAIL	T: 43S / R: 41E	0.384		160.00	0.00
JEWEL LANE	BLOCK B	0.103		160.00	0.00
KAZEE ROAD	BLOCK G	0.432	1	160.00	69.12
KERRY LANE	BLOCK E	0.260	1	160.00	41.60
LOS ANGELES DRIVE	BLOCK B	0.244		160.00	0.00
LOXAHATCHEE DRIVE	BLOCK K	0.180	1	160.00	28.80
MARCELLA BOULEVARD	BLOCK F	0.749		160.00	0.00
MARCH CIRCLE	BLOCK F	0.174	1	160.00	27.84
MORROW COURT	BLOCK B	0.180		160.00	0.00

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

NOVEMBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
ORANGE AVENUE	BLOCK K	0.075		160.00	0.00
PADDLE FOOT ROAD	BLOCK E	0.086		160.00	0.00
PARADISE TRAIL	BLOCK C	0.186	1	160.00	29.76
PERKINS DRIVE	BLOCK F	0.336		160.00	0.00
PINEAPPLE DRIVE	BLOCK I	0.434	1	160.00	69.44
QUAIL ROAD	BLOCK F	0.135		160.00	0.00
RACKLEY ROAD	BLOCK F	0.146		160.00	0.00
RAYMOND DRIVE	BLOCK F	0.337	1	160.00	53.92
ROBERTS WAY	BLOCK B	0.229		160.00	0.00
SALLY'S ALLEY	BLOCK B	0.244		160.00	0.00
SAN DIEGO DRIVE	BLOCK B	0.244	1	160.00	39.04
SCOTTS PLACE	BLOCK B	0.213		160.00	0.00
SHAMROCK DRIVE	BLOCK B	0.244		160.00	0.00
SIXTH COURT NORTH	BLOCK I (WEST D)	0.177		160.00	0.00
SIXTH COURT NORTH	BLOCK K (EAST D)	1.733	1	160.00	277.28
SNAIL TRAIL	BLOCK C	0.244		160.00	0.00
TANGERINE DRIVE	BLOCK K	0.510	1	160.00	81.60
TEMPLE DRIVE	BLOCK I	0.100		160.00	0.00
TIMBERLANE PLACE	BLOCK B	0.219		160.00	0.00
TRIPP ROAD	BLOCK D	0.242		160.00	0.00
VALENCIA DRIVE	BLOCK K	0.136	1	160.00	21.76
WEST "B" ROAD	BLOCK A	0.340		160.00	0.00
WEST "C" ROAD	BLOCK B	0.623		160.00	0.00
WEST "D" ROAD	BLOCK I (SOUTH C.C.)	0.314	1	160.00	50.24

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

NOVEMBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
WEST 'D' ROAD	BLOCK C (NORTH C.C.)	0.388		160.00	0.00
WEST 'F' ROAD	BLOCK E	0.198		160.00	0.00
WILLIAMS DRIVE	BLOCK B	0.193		160.00	0.00
			TOTAL MONTHLY COST =		1,817.28
			MONTHLY MILEAGE =		11.358

Notations to 7/2012 Submission Nov 2011 Bill

TOWN ROAD GRADING REPORT
NOVEMBER, 2011

DATE GRADED BY DISTRICT	DATE APPROVED BY TOWN	TOWN ROAD NAME	
November 3, 2011	November 2, 2011 pdw	Pineapple Drive	✓
November 3, 2011	November 2, 2011 pdw	Valencia Drive	✓
November 3, 2011	November 2, 2011 pdw	Tangerine Drive	✓
November 3, 2011	November 2, 2011	Citrus Drive	already pd.
~~November 3, 2011~~ 10/26	November 2, 2011 pdw	East Citrus Drive	done in Oct.
November 3, 2011	November 2, 2011 pdw	Loxahatchee Drive	✓
~~November 3, 2011~~ 10/27/2011	November 2, 2011	Sixth Court North (East of "D" Road)	already pd
November 3, 2011	November 2, 2011 pdw	West "D" Road (South of CC Road)	✓
November 3, 2011	November 2, 2011 pdw	12th Place North	✓
~~November 8, 2011~~ 10/27/2011 11/15/2011	November 18, 2011 November 21, 2011	San Diego Drive	already pd
~~November 23, 2011~~ 11/3/2011	November 2, 2011 pdw	13th Place North	✓
~~November 23, 2011~~ 11/3/2011	November 2, 2011 pdw	14th Place North	✓
~~November 23, 2011~~ 11/3/2011	November 2, 2011 pdw	Edith Road	✓
November ~~23~~ 3, 2011	November 2, 2011 pdw	Fox Trail	✓
November ~~23~~ 3, 2011	November 2, 2011 pdw	Farley Road	✓
~~November 1, 2011~~ 10/24/2011	November 2, 2011 pdw	Kerry Lane	✓
~~November 23, 2011~~ 10/20/2011	pdw ~~November 2, 2011~~ 10/19/2011	Casey Road	doc. Oct billing
~~November 23, 2011~~ 11/3/2011	November 4, 2011	24th Court North (East of "F" Road)	(1) only ✓
November ~~23~~ 3, 2011	November 2, 2011	Kazee Road	✓
November ~~23~~ 3, 2011	November 2, 2011 pdw	March Circle	✓

Nov Bill Cont
Notations

TOWN ROAD GRADING REPORT
NOVEMBER, 2011
(CONTINUED)

DATE GRADED BY DISTRICT	DATE APPROVED BY TOWN	TOWN ROAD NAME	
November 23, 2011	November 18, 2011	Hyde Park Road	already pd.
November 23, 2011	N/A*	Paradise Trail	already pd.
November 28, 2011	November 18, 2011	Raymond Drive	already pd.
~~November 23, 2011~~ 10/6/2011	~~November 7, 2011~~ 10/5/2011	22nd Road North-C Road	Very Trimmings
~~November 13, 2011~~ 3	November ~~4~~ 7, 2011 pd	24th Court North-F Road (East)	✓
November 23, 2011	November 18, 2011	161st Terrace North	already pd.

* Written approval was not received from the Town. However, District Staff deemed these roads were in such neglect that they needed to be graded immediately. In some cases, requests for service were made by the public. If not, District Field Staff took the initiative to correct unsafe road conditions.

pd. 1/19/2012
Ck # 5017

$1217.92

SUPERINTENDENT'S REPORT
GRADING – TOWN ROADS
NOVEMBER, 2011

CITRUS DRIVE (1)

HYDE PARK ROAD (1)

PARADISE TRAIL (1)

RACKLEY ROAD (1)

RAYMOND DRIVE (1)

SAN DIEGO DRIVE (1)

SIXTH COURT NORTH (1)

161ST TERRACE NORTH (2)

15-83-18

Description	Invoice number	Invoice number	Amount
1114 Maint of Roads within Loxahatc			1,217.92
*** Total ***			1,217.92

5017

TOWN OF LOXAHATCHEE GROVES
14579 SOUTHERN BOULEVARD, STE 2
LOXAHATCHEE GROVES, FL 33470-9226

WELLS FARGO BANK, N.A.
11-24-1210

15-83-18

DATE 01/19/2012

AMOUNT **********1,217.92

AY
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RDER

** One Thousand Two Hundred Seventeen Dollars and 92 Cents **

Loxahatchee Groves Water Control Di
Post Office Box 407
101 West D Road
Loxahatchee FL 33470-0407

TWO SIGNATURES REQUIRED

AUTHORIZED SIGNATURE

Security features. Details on back.

⑈005017⑈ ⑆121000248⑆ [redacted]

/N OF LOXAHATCHEE GROVES

5017

DELUXE CORP 1+800-328-0304 www.deluxeforms.com

TOWN ROAD GRADING REPORT
DECEMBER, 2011

DATE GRADED BY DISTRICT	DATE APPROVED BY TOWN	TOWN ROAD NAME
December 8, 2011	December 6, 2011	Raymond Drive
December 16, 2011	N/A*	West "D" Road (South)
December 16, 2011	N/A*	Citrus Drive
December 16, 2011	N/A*	Tangerine Drive
December 16, 2011	N/A*	Rackley Road
December 19, 2011	December 13, 2011	Casey Road
December 19, 2011	N/A*	Farley Road
December 19, 2011	N/A*	Kerry Lane
December 19, 2011	N/A*	Fox Trail
December 20, 2011	N/A*	22nd Road North - C Road
December 20, 2011	N/A*	Paradise Trail
December 20, 2011	N/A*	Flamingo Drive
December 21, 2011	December 14, 2011	Gruber Lane
December 21, 2011	N/A*	161st Terrace North
December 21, 2011	December 2, 2011	160th Street North
December 21, 2011	N/A*	Global Trail
December 21, 2011	N/A*	147th Avenue North
December 22, 2011	N/A*	Roberts Way
December 22, 2011	N/A*	West "C" Road

* Written approval was not received from the Town. However, District Staff deemed these roads were in such neglect that they needed to be graded immediately. In some cases, requests for service were made by the public. If not, District Field Staff took the initiative to correct unsafe road conditions.

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

DECEMBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
10TH PLACE NORTH	BLOCK B	0.081		160.00	0.00
11TH LANE NORTH	BLOCK F	0.351		160.00	0.00
11TH TERRACE	BLOCK C	0.244		160.00	0.00
12TH PLACE NORTH	BLOCK E	0.197		160.00	0.00
131ST TERRACE NORTH	BLOCK F	0.147		160.00	0.00
13TH PLACE NORTH	BLOCK F (FOLSOM)	0.282		160.00	0.00
13TH PLACE NORTH	BLOCK E (F ROAD)	0.166		160.00	0.00
145TH TERRACE N	T: 43S / R: 41E	0.457		160.00	0.00
147TH AVENUE NORTH	BLOCK C	0.126	1	160.00	20.16
147TH DRIVE NORTH	BLOCK C	0.115		160.00	0.00
148TH TERRACE N	T: 43S / R: 41E	0.339		160.00	0.00
149TH AVENUE NORTH	BLOCK I	0.126		160.00	0.00
14TH PLACE NORTH	BLOCK E	0.257		160.00	0.00
152ND WAY NORTH	BLOCK B	0.068		160.00	0.00
160TH STREET N	T: 43S / R: 41E	0.394	1	160.00	63.04
161ST TERRACE N	T: 43S / R: 40E	2.014	1	160.00	322.24
17TH ROAD NORTH	BLOCK B	0.076		160.00	0.00
21ST ROAD NORTH	BLOCK C	0.126		160.00	0.00
22ND COURT NORTH	BLOCK F	0.292		160.00	0.00
22ND ROAD NORTH	BLOCK C (C ROAD)	0.248	1	160.00	39.68
22ND ROAD NORTH	BLOCK E (E ROAD)	0.156		160.00	0.00
22ND ROAD NORTH	BLOCK F (F ROAD)	0.210		160.00	0.00
23RD COURT NORTH	BLOCK E	0.189		160.00	0.00
24TH CIRCLE NORTH	BLOCK C	0.177		160.00	0.00

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

DECEMBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
24TH COURT NORTH	BLOCK C (C ROAD)	0.282		160.00	0.00
24TH COURT NORTH	BLOCK D (E ROAD)	0.194		160.00	0.00
24TH COURT NORTH	BLOCK E (WEST F)	0.250		160.00	0.00
24TH COURT NORTH	BLOCK F (EAST F)	0.406		160.00	0.00
25TH PLACE NORTH	BLOCK B (C ROAD)	0.136		160.00	0.00
25TH PLACE NORTH	BLOCK C (D ROAD)	0.145		160.00	0.00
27TH LANE NORTH	BLOCK C	0.135		160.00	0.00
30TH COURT NORTH	BLOCK B (C ROAD)	0.141		160.00	0.00
30TH COURT NORTH	BLOCK D (D ROAD)	0.132		160.00	0.00
34TH PLACE NORTH	BLOCK C	0.135		160.00	0.00
35TH PLACE NORTH	BLOCK D	0.127		160.00	0.00
40TH STREET N	T: 43S / R: 41E	1.462		160.00	0.00
41ST ROAD N	T: 43S / R: 41E	0.068		160.00	0.00
42ND ROAD N	T: 43S / R: 41E	0.153		160.00	0.00
42ND STREET N	T: 43S / R: 41E	0.234		160.00	0.00
43RD ROAD N	T: 43S / R: 41E (GLOBAL)	0.194		160.00	0.00
43RD ROAD N	T: 43S / R: 41E (140TH)	0.394		160.00	0.00
44TH STREET N	T: 43S / R: 41E	0.235		160.00	0.00
8TH PLACE NORTH	BLOCK C	0.319		160.00	0.00
APRIL DRIVE	BLOCK C	0.164		160.00	0.00
BIDDIX ROAD	BLOCK D	0.191		160.00	0.00
BRYAN ROAD	BLOCK F	0.749		160.00	0.00
BUNNY LANE	BLOCK C	0.244		160.00	0.00
(WILSON) CASEY ROAD	BLOCK F	0.748	1	160.00	119.68

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

DECEMBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
CITRUS DRIVE	BLOCK K	0.243	1	160.00	38.88
COMPTON ROAD	BLOCK F	0.748		160.00	0.00
EAST CITRUS DRIVE	BLOCK K	0.501		160.00	0.00
EDITH ROAD	BLOCK E	0.197		160.00	0.00
FARLEY ROAD	BLOCK E	0.197	1	160.00	31.52
FERRIS LANE	BLOCK A	0.194		160.00	0.00
FLAMINGO DRIVE	BLOCK C	0.186	1	160.00	29.76
FOREST LANE	BLOCK B	0.188		160.00	0.00
FORTNER DRIVE	BLOCK B (B ROAD)	0.126		160.00	0.00
FORTNER DRIVE	BLOCK B (C ROAD)	0.135		160.00	0.00
FOX TRAIL	BLOCK E	0.204	1	160.00	32.64
GLOBAL TRAIL	T: 43S / R: 41E	0.519	1	160.00	83.04
GREAT DANE LANE	BLOCK F	0.130		160.00	0.00
GRUBER LANE	BLOCK C	0.489	1	160.00	78.24
HYDE PARK ROAD	BLOCK E	0.518		160.00	0.00
IAN TRAIL	T: 43S / R: 41E	0.384		160.00	0.00
JEWEL LANE	BLOCK B	0.103		160.00	0.00
KAZEE ROAD	BLOCK G	0.432		160.00	0.00
KERRY LANE	BLOCK E	0.260	1	160.00	41.60
LOS ANGELES DRIVE	BLOCK B	0.244		160.00	0.00
LOXAHATCHEE DRIVE	BLOCK K	0.180		160.00	0.00
MARCELLA BOULEVARD	BLOCK F	0.749		160.00	0.00
MARCH CIRCLE	BLOCK F	0.174		160.00	0.00
MORROW COURT	BLOCK B	0.180		160.00	0.00

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

DECEMBER 2011					
TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
ORANGE AVENUE	BLOCK K	0.075		160.00	0.00
PADDLE FOOT ROAD	BLOCK E	0.086		160.00	0.00
PARADISE TRAIL	BLOCK C	0.186	1	160.00	29.76
PERKINS DRIVE	BLOCK F	0.336		160.00	0.00
PINEAPPLE DRIVE	BLOCK I	0.434		160.00	0.00
QUAIL ROAD	BLOCK F	0.135		160.00	0.00
RACKLEY ROAD	BLOCK F	0.146	1	160.00	23.36
RAYMOND DRIVE	BLOCK F	0.337	1	160.00	53.92
ROBERTS WAY	BLOCK B	0.229	1	160.00	36.64
SALLY'S ALLEY	BLOCK B	0.244		160.00	0.00
SAN DIEGO DRIVE	BLOCK B	0.244		160.00	0.00
SCOTTS PLACE	BLOCK B	0.213		160.00	0.00
SHAMROCK DRIVE	BLOCK B	0.244		160.00	0.00
SIXTH COURT NORTH	BLOCK I (WEST D)	0.177		160.00	0.00
SIXTH COURT NORTH	BLOCK K (EAST D)	1.733		160.00	0.00
SNAIL TRAIL	BLOCK C	0.244		160.00	0.00
TANGERINE DRIVE	BLOCK K	0.510	1	160.00	81.60
TEMPLE DRIVE	BLOCK I	0.100		160.00	0.00
TIMBERLANE PLACE	BLOCK B	0.219		160.00	0.00
TRIPP ROAD	BLOCK D	0.242		160.00	0.00
VALENCIA DRIVE	BLOCK K	0.136		160.00	0.00
WEST "B" ROAD	BLOCK A	0.340		160.00	0.00
WEST "C" ROAD	BLOCK B	0.623	1	160.00	99.68
WEST "D" ROAD	BLOCK I (SOUTH C.C.)	0.314	1	160.00	50.24

LOXAHATCHEE GROVES WATER CONTROL DISTRICT
TOWN ROAD MAINTENANCE LOG

DECEMBER 2011					
TOWN ROAD NAME	**PLAT DESIGNATION**	**MILEAGE**	**GRADES**	**UNIT COST**	**EXTENDED**
WEST 'D' ROAD	BLOCK C (NORTH C.C.)	0.388		160.00	0.00
WEST 'F' ROAD	BLOCK E	0.198		160.00	0.00
WILLIAMS DRIVE	BLOCK B	0.193		160.00	0.00
			TOTAL MONTHLY COST =		**1,275.68**
			MONTHLY MILEAGE =		**7.973**