



**TOWN OF LOXAHATCHEE GROVES**  
**TOWN COUNCIL SPECIAL MEETING**

**AGENDA**

**TUESDAY, December 1, 2015**

*Mayor David Browning (Seat 4)*

*Vice-Mayor Ronald D. Jarriel (Seat 1)*

*Councilman Tom Goltzené (Seat 5)*

*Councilman Ryan Liang (Seat 3)*

*Councilman Jim Rockett (Seat 2)*



**Town of Loxahatchee Groves  
Town Council Meeting  
Tuesday, December 1, 2015 - 7:00 p.m. to 10:30 p.m.**

*(Times established by Resolution No. 2014-08... commencing at 7:00 p.m., and ending no later than 10:30 p.m., which can be extended by motion of the Council.)*

Town Hall, 155 "F" Road  
Loxahatchee Groves, Florida 33470

Mayor David Browning (Seat 4)	Town Manager William F. Underwood, II
Vice Mayor Ronald D. Jarriel (Seat 1)	Town Clerk Virginia M. Walton
Councilman Tom Goltzené (Seat 5)	Town Planning Consultant, Jim Fleishmann
Councilman Ryan Liang (Seat 3)	Town Attorney Michael D. Cirullo, Jr.
Councilman Jim Rockett (Seat 2)	

**PUBLIC NOTICE/AGENDA**

**1. OPENING**

- a. Call to Order & Roll Call
- b. Pledge of Allegiance & Invocation – Mayor Browning
- c. Approval of Agenda

**2. PUBLIC COMMENTS**

**3. CONSENT AGENDA**

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: November 3, 2015
- b. Invoice for Goren, Cherof, Doody & Ezrol, P.A.
- c. Escrow Agreement with Palm Beach County Clerk of the Courts for recording Town documents

#### **4. PRESENTATIONS**

- a. New Palm Beach State College

#### **5. COMMITTEE REPORTS**

#### **QUASI JUDICIAL**

#### **6. RESOLUTIONS**

- a. RESOLUTION NO. 2015-36 (Drysdale Site Plan)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE DRYSDALE PROPERTY (VALENCIA VILLAGE) SITE PLAN, FOR LAND OWNED BY NANCY C. DRYSDALE, AS TRUSTEE, UNDER THE NANCY C. DRYSDALE REVOCABLE TRUST AGREEMENT DATED SEPTEMBER 19, 2005 , CONSISTING OF 6.55 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND LOXAHATCHEE AVENUE LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

- b. RESOLUTION NO. 2015-37 (Weber Variance No. 2015-01)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN O LOXAHATCHEE GROVES, FLORIDA, APPROVING THE WEBER VARIANCE, FOR LAND OWNED BY CHRISTOPHER D. WEBER AND DARA M. WEBER AND RONALD A. CRAVENS, SR. AND JEANNE O. CRAVENS, CONSISTING OF 2.0 ACRES ORE OR LESS, LOCATED AT THE SOUTHWEST CORNER OF KERRY LAND AND FARLEY ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

- c. RESOLUTION NO. 2015-38 Relating to Award of Gravel Road Grading RFP (support documents will be included under a separate cover as an Addendum to the Agenda on Monday, November 30, 2015)

#### **7. ORDINANCES**

- a. ORDINANCE NO. 2015-08 (Second Reading – Extend Moratorium)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCES 2014-08 AND 2015-05, THROUGH WHICH THE TOWN COUNCIL IMPOSED A MORATORIUM ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN, INCLUDING FUTURE LAND USE MAP AMENDMENTS AND TEXT AMENDMENTS, RELATING TO COMMERCIAL LAND USES ON PROPERTIES FRONTING ON OKEECHOBEE BOULEVARD WITHIN THE CORPORATE BOUNDARIES OF THE TOWN UNTIL DECEMBER 31, 2015, TO EXTEND THE MORATORIUM UNTIL JUNE 30, 2016 TO ENABLE THE ADOPTION OF APPROPRIATE AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**8. MANAGER'S REPORT** – Town Manager Underwood

- a. Agenda Item Report – Updates on various activities and issues concerning the Town
- b. Palm Beach County Fire/Rescue Monthly Reports for October 2015
- c. Palm Beach County Sheriff's Office Monthly Report for November 2015
- d. Discussion Relative to Town Lane Miles – 140<sup>th</sup> Avenue N Sun Sport Cut-Through

**9. OLD BUSINESS**

- a. Report on Addressing RV Uses
- b. Discussion on Substandard Housing
- c. 2016 Legislative Policy

**10. NEW BUSINESS**

- a. Approval of Proposal from Keshavarz Associates for Preparation of Maintenance Maps/Specific Purpose Surveys for Acquisition of Road Right-of-Way for 41 roadways, totaling 9.95 miles of Town Roadways, Loxahatchee Groves, Florida, in the total amount of \$97,585.40.
- b. South Florida Fair – Palm Beach County Municipalities Free Display Space

**11. COUNCIL REPORTS**

- a. Councilman Tom Goltzené
  - 1. Discussion of LGWCD Billing for Trails
  - 2. Discussion of request for resolution to claim all LGWCD roads and maintenance easements within the Town boundaries.

b. Vice Mayor Ron Jarriel

1. Discussion Relative site clearing (Clear Cut), and residential structures on to agriculture classified properties
2. Discussion Relative to site distance and drainage at intersection of E Road and Collecting Canal Road

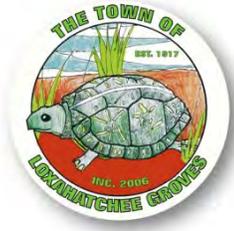
**12. CLOSING COMMENTS**

- a. Public
- b. Town Attorney
- c. Town Council Members

**12. ADJOURNMENT**

*The next regular Town Council Meeting is tentatively scheduled for January 5, 2016.*

**Comment 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.



# Town of Loxahatchee Groves

## Regular Town Council Meeting

Tuesday, November 3, 2015 at 7:00 p.m.

### MINUTES

#### 1. OPENING

- a. Call to Order & Roll Call

Mayor Browning called the meeting to order at 7:00 p.m. Present were Mayor David Browning and Council Members Tom Goltzené, Ryan Liang and Jim Rockett. Also present was Town Manager Bill Underwood, Town Attorney Michael D. Cirullo, Jr. and Town Clerk Virginia Walton. Vice Mayor Ronald Jarriel was absent.

- b. Pledge of Allegiance & Invocation - Mayor Browning
- c. Approval of Agenda

Council Member Rockett wanted to add an item under Old Business to discuss some ideas for the RV and Animal Cruelty issues and possible hotlines discussion. Council Member Goltzené was not in favor of discussion at this meeting.

**Motion:** A motion to approve the agenda as revised was made by Council Member Liang and seconded by Council Member Rockett. Motion passed 3 – 1, with Council Member Goltzené dissenting.

#### 2. PUBLIC COMMENTS

Bill Louda and Ken Johnson both spoke on concerns about banning 24/7 operations, defeating any RV park plans and the manure problems. Mr. Louda stated the Property Appraiser's Office speaker had good information on agriculture classifications. Also suggested RV's might be considered seasonal rentals and excess of 30+ would be considered commercial. Mr. Johnson suggested the Lt. and a Task Force be started again to put a lid on the manure issue. Also part of the run-off problem was being caused by people filling in ponds, which diverted the water to the roads or neighbor's property.

Jo Siciliano stated B Road owners were not opposed to a beautiful, functional roadway, but each property's impact would be different and wanted to suggest a meeting with the Engineer, the Council and the property owners.

#### 3. CONSENT AGENDA

(Public Comment will be permitted on consent agenda items prior to Council vote)

- a. Minutes: October 6, 2015
- b. Minutes: October 20, 2015
- c. Invoice for Goren, Cherof, Doody & Ezrol, P.A.

- d. Agreement with TFI Office Automation for a four year lease of the Lanier 416518 Digital Multi-Function Color Copier System
- e. Resolution No. 2015-36 Budget Amendment for Fiscal Year 2014-2015
- f. Local Government Mileage Report for FDOT (added to agenda in Addendum #1)

Council Member Rockett requested that item #d be pulled from the consent agenda for discussion. Council Member Goltzené requested that the added item #f be pulled from the consent agenda for discussion. Prior to voting on the revised consent agenda, Town Attorney Cirullo read Resolution No. 2015-36 by title.

**Motion:** A motion to approve the consent agenda as revised was made by Council Member Liang and seconded by Council Member Goltzené. Motion passed 4 – 0.

Discussion of pulled consent agenda items:

- d. Agreement with TFI Office Automation for a four year lease of the Lanier 416518 Digital Multi-Function Color Copier System

Council Member Rockett asked if this new copier was in addition to the existing copier or as a replacement. Town Manager Underwood responded the lease on the current copier was ending and this would be a replacement. There were no further council comments.

**Motion:** A motion to approve the lease agreement with TFI Office Automation was made by Council Member Liang and seconded by Council Member Rockett. Motion passed 4 – 0.

- f. Local Government Mileage Report for FDOT (added to agenda in Addendum #1)

Council Member Goltzené stated this has been an ongoing issue for several years and the District needed to get out of the road business and the Town needed to get into the road business. The ownerships were in question and it seemed the amount paid to the District was not in proportion to the roads listed as theirs. Council was reminded that although \$93,000 was budgeted for this, it had already been approved that this amount could be amended based on the adjusted road miles. Mayor Browning responded that the Council has never taken a stand regarding taking all the roads, and the premise had been for the two to co-exist. John Ryan stated the District never conveyed ownership of the roads to the Town, only easement interests. Keith Harris and Ken Johnson agreed that it was time for the Town to take over the roads.

Council questioned why the 600 ft. cut-through was listed as private when it has used as public access for over 25 years. Town Manager Underwood responded that Palm Beach County has never identified this as a public road. The problem here was that public funds could not be used to maintain a private road. Town Manager Underwood and Town Attorney Cirullo stated they would speak with Palm Beach County on this and then possibly see if the property owner would Deed the cut-through to the Town.

Council also questioned whether 10<sup>th</sup> Place North was private, since it was not colored as such on the map presented. Town Manager Underwood stated it was private. There were also questions raised about the road control for the roads at the Sun Sport property. Town had traffic control but who owned the road.

**Motion:** A motion to approve the Mileage Report for FDOT was made by Council Member Liang and seconded by Council Member Rockett. Motion passed 3 – 1, with Council Member Goltzené dissenting.

4. **PRESENTATIONS** – None Scheduled

5. **COMMITTEE REPORTS**

- a. FAAC Financial Report 2015

**Motion:** A motion to approve the FAAC Financial Report was made by Council Member Goltzené and seconded by Council Member Liang. Motion passed 4 – 0.

6. **RESOLUTIONS** – none scheduled

7. **ORDINANCES**

- a. ORDINANCE NO. 2015-08 (First Reading – Extend Moratorium)\

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCES 2014-08 AND 2015-05, THROUGH WHICH THE TOWN COUNCIL MPOSED AMORATORIUM ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN, INCLUDING FUTURE LAND USE MAP AMENDMENTS AND TEXT AMENDMENTS, RELATING TO COMMERCIAL LAND USES ON PROPERTIES FRONTING ON OKEECHOBEE BOULEVARD WITHIN THE CORPORATE BOUNDARIES OF THE TOWN UNTIL DECEMBER 31, 2015, TO EXTEND THE MORATORIUM UNTIL JUNE 30, 2016 TO ENABLE THE ADOPTION OF APPROPRIATE AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Cirullo advised the Council that Staff had been directed to bring this moratorium extension forward for council approval, since Council was not ready to adopt the amendment to the Town's Comprehensive Plan relating to commercial land uses along Okeechobee Boulevard. Town Attorney Cirullo then read the ordinance by title.

**Motion:** A motion to approve Ordinance No. 2015-08 on first reading was made by Council Member Liang and seconded by Council Member Rockett. Motion passed 4 – 0

8. **MANAGER'S REPORT** – *Town Manager Underwood*

- a. Agenda Item Report (AIR) - Updates on various activities and issues concerning the Town.

Regarding Big Dog Ranch, Manager Underwood was awaiting response to contribution agreement and funding check. Council noted that the entire property had been cleared out with no permits obtained. There was smoke all over today as they were burning a lot of trees, again without

permits. Palm Beach County appeared to be allowing this to happen, when a Stop and Desist Order should have been issued. Code enforcement was crucial. Regarding the bid opening for Public Works functions, it was disappointing that the Water District has not submitted a quote. Regarding Folsom Road Traffic Calming, Staff was waiting for response of timeline from Commissions' Staff.

b. Palm Beach County League of Cities 2016 Priorities List

Council reviewed the list of priorities, agreed with some and opposed to others. After discussion, consensus was that each council member would mark up the League list with their opinions and use that as speaking points during the Legislative Conference meeting with legislators. Council was also reminded that there was a small amount in the budget for a lobbyist.

**9. OLD BUSINESS** – added to agenda by Council Member Rockett

a. Discussion about Staff bringing back alternate plans or ordinances for addressing RV's and Animal Slaughtering concerns.

Council Member Rockett stated that at the last meeting Staff had been directed to bring back alternate plans or ordinances for the RV issue, manure issue, substandard housing issue and animal slaughtering issue; and he had yet to see anything. Possibly Council needed to give Staff more direction. Council Member Rockett again brought up the idea of a local anonymous reporting hotline.

Mayor Browning responded that this item had been approved for addition to the agenda as a discussion item only. Council should not give direction on something that was not officially put on the agenda. Council Member Goltzené added that an anonymous hotline was not necessary. There were already U.S. Agency hotlines in place for anonymous complaints, such as Crimestoppers for criminal activities, FWC for wildlife abuses and DCF for human abuses.

Town Attorney Cirullo stated that the resolution had been pulled from the previous meeting; however, discussion and public comment had taken place. The Council had given direction to Staff to come back with alternate ordinances or plans. They were still researching and working on these plans; however if Council would like to give Staff their thoughts, they could be incorporated into a report that could be presented at the December meeting.

After discussion, Council came up with the following ideas:

1. Code enforcement hearings took too long and a possible citation program taken to the County Court System should be considered.
2. Some program to education people what they can do to prevent a repeat of the animal abuse situation that recently occurred.
3. Need to get code enforcement people in place with some clout; then work on solving the problems. The Town also should look at having its own building department.
4. Migrant sub-standard housing – ongoing problem that needs to be addressed separately.
5. RV's. The Council was not against the equestrian people, but they do bring in multiple RV's and create part of the problem.

Keith Harris was not in favor of anonymous complaint. John Ryan added that the Town has codes, the anonymous complaints would just start the process and the Town would actually be doing

the investigating and prosecution. Tim Hart and Ken Johnson were in agreement with previous comments about “everyone knows but no one tells” and the need for code enforcement clout and ordinances to address the problems. Possibly there could be something on the website for the residents to be the eyes and ears of the community.

Mayor Browning responded that it was easy to find the problems; but the hard part was finding the legal solutions that would stand up to scrutiny.

Town Attorney Cirullo and Town Manager Underwood both stated that they have noted the topics discussed tonight and would work on a written report on some preliminary findings for the next meeting.

## **10. NEW BUSINESS**

### a. Okeechobee Corridor Master Plan – Work Authorization Okeechobee Boulevard Planning & Zoning

Council Member Rockett stated he had a problem paying the Management Company extra for not doing what was already in the RFP. Council Member Goltzené responded this was not in his contract. Mayor Browning stated this needed to get finally resolved or the Town would start losing pending lawsuits.

**Motion:** Council Member Rockett made a motion to only fund the portion of this work authorization dealing with outside vendors. The motion was seconded by Council Member Liang. Motion was tied 2 – 2, and did not pass.

**Motion:** Council Member Goltzené made a motion to fund the work authorization fully. Motion was seconded by Mayor Browning. Motion was tied 2 – 2, and did not pass.

Town Attorney Cirullo reminded Council that the Workshop has already been set by motion adoption at the last meeting; and if they did not want to fund the work necessary for the workshop, then they would have to make a motion to cancel the workshop. Council consensus was that the workshop stay on the schedule and this work authorization be brought back again at the next council meeting.

### b. B Road “OGEM” Improvements Change Order (added to agenda under Addendum #1)

Council Member Rockett asked if this change order was just for the design. Town Manager Underwood responded this was for the designs, research and letters to be sent out.

**Motion:** A motion to approve the change order was made by Council Member Rockett and seconded by Council Member Liang. Motion passed 4 – 0.

## **11. COUNCIL REPORTS**

### a. Mayor Browning

#### 1. Town of Palm Beach Letter regarding Legislative Proposal on Standardized Date for Local Government Elections

Town Attorney Cirullo explained that this proposal had not been brought forward as an actual Legislative Bill yet, but support or opposition from local municipalities was encouraged to let legislators know how they felt. This proposal would require the Town to change its Charter, and also to change Council term to either 4 year terms or 2 year terms. Council was in consensus that they strongly opposed this proposal.

**Motion:** A motion to direct Staff and Legal to draft a memo for the Mayor's signature opposing all the items covered in this proposal and sent to the State Legislators was made by Council Member Rockett and seconded by Council Member Liang. Motion passed 4 – 0.

## **12. CLOSING COMMENTS**

### a. Public

A final comment card from Bill Johnson was read by the Mayor.

### b. Town Attorney

#### 1. Council Ethics Training

Town Attorney Cirullo advised the Council that the new State Law required each of them to fulfill 4 hours of training each calendar year, and starting with the 2015 Financial Statement Form 1, they would need to confirm in writing that they had in fact taken the training. The Ethics training that Council had completed earlier in the year could count towards this requirement. There were some online options available through Florida Commission on Ethics website and also the Florida Institute of Government website, [www.IOG.fsu.edu/events/online\\_training/index.html](http://www.IOG.fsu.edu/events/online_training/index.html)

### c. Town Council Members

Town Council Members each thanked everyone for coming tonight and wished everyone a Happy Thanksgiving. Mayor Browning also announced that he had decided to run again for Council and had submitted his qualifying paperwork today.

## **13. ADJOURNMENT**

Hearing no further business, the meeting was adjourned at 9:43 p.m.

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Virginia M. Walton, Town Clerk

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David Browning, Mayor

*These minutes were approved by the Town Council on Tuesday, \_\_\_\_\_, 2015.*

GOREN, CHEROF, DOODY & EZROL, P.A.  
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 3099 East Commercial Boulevard  
 Suite 200  
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 Telephone (954) 771-4500

LOXAHATACHEE GROVES/TOWN OF  
 155 F Road  
 Loxahatchee Groves FL 33470

Page: 1  
 11/23/2015  
 ACCOUNT NO: 1574-0702400R  
 STATEMENT NO: 6921

Attn: William F. Underwood, II - Town Manager

General Matters

*MDC*

			HOURS
10/28/2015	MDC	Phone conference with BU on pending items; review agenda materials for 11/3 meeting; miscellaneous telephone calls on road easements, trails.	1.50
10/29/2015	MDC	Review revised agenda documents; review materials for Big Dog agreements; continue reviewing items for 11/3 agenda.	0.90
10/30/2015	MDC	Review agenda materials for 11/3 meeting; miscellaneous telephone conference with VW; telephone conference with BU on pending items.	1.40
11/02/2015	MDC	Miscellaneous telephone calls on procurement matters; review emails on ULDC items; review agenda materials; review addendum to agenda.	1.40
11/03/2015	MDC	Review FEMA procurement issues; review agenda materials for Council meeting; review correspondence on road; prepare for and attend Council meeting.	6.10
11/04/2015	MDC	Review issues from 11/3 meeting, telephone conference with BU, conference call with MP, the Shraders, BU on F Road property permitting issues; prepare letter re: election dates.	1.70
11/05/2015	MDC	Revise letter re: election proposal.	0.30
11/06/2015	MDC	Telephone conference call with BU on pending items; telephone conference call with JF on ULDC items.	0.90
11/09/2015	MDC	Review status of Big Dog Ranch Agreement (Road improvements)	0.30
11/10/2015	MDC	Telephone conference with BD regarding Tufuno, review emails on pending items; telephone conference with BU on pending items.	0.60
11/11/2015	MDC	Review pending items from 11/3 meeting.	0.40
11/13/2015	MDC	Telephone conference call with BU, review correspondence on pending items.	0.30
11/16/2015	MDC	Review status of agenda items for December 1, 2015 meetings; review notices for ordinance.	0.80

General Matters

			HOURS	
11/17/2015	MDC	Review materials for Weber variance; review materials for Drysdale variance; begin reviewing status of items for 12/1 meeting; review materials for debris management RFP.	0.90	
11/18/2015	BJS	Legal Research re: code enforcement	0.50	
	MDC	Review materials on pending items; review RV materials; review Minimum Housing Standard codes from other jurisdictions; review materials for 11/19 meeting with BU.	2.20	
11/19/2015	MDC	Review materials, meet with BU on agenda items for December and pending Town matters.	3.00	
11/20/2015	MDC	Review materials for 12/1 meeting; prepare resolution for road repair bid award; review emails on pending items; review OIG inquiry re: McLendon costs.	2.20	
11/23/2015	MDC	Review materials for 12/1/15 meeting, miscellaneous telephone calls with BU re: agenda items; continue revising FRP resolution; review materials on McLendon order re: OIG inquiry.	2.00	
FOR CURRENT SERVICES RENDERED			<u>27.40</u>	<u>5,069.00</u>

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
MICHAEL D. CIRULLO	26.90	\$185.00	\$4,976.50
BRIAN J. SHERMAN	0.50	185.00	92.50

Photocopies	<u>302.75</u>
TOTAL EXPENSES	302.75
TOTAL CURRENT WORK	5,371.75
BALANCE DUE	<u>\$5,371.75</u>

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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

TOWN OF LOXAHATCHEE GROVES  
155 F Road  
Loxahatchee Groves FL 33470

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11/23/2015  
ACCOUNT NO: 1574-1107589R  
STATEMENT NO: 6923

Attn: William F. Underwood, II - Town Manager

Keith Harris vs. Town Canvassing Board, et al.

			HOURS	
11/11/2015	JAC	Prep with M.C. for depo of Supervisor of Elections; review file and prep depo outline.	2.20	
	MDC	Meet with JAC, review status of case; review documents to prepare for 11/16 deposition of Susan Bucher.	0.60	
11/16/2015	JAC	Prep for and attend depo of Supervisor of Elections; follow up notes; discuss with M.C.	5.50	
		FOR CURRENT SERVICES RENDERED	8.30	<u>1,535.50</u>

RECAPITULATION

<u>TIMEKEEPER</u>	<u>HOURS</u>	<u>HOURLY RATE</u>	<u>TOTAL</u>
JAMES A. CHEROF	7.70	\$185.00	\$1,424.50
MICHAEL D. CIRULLO	0.60	185.00	111.00

Photocopies	<u>9.10</u>
TOTAL EXPENSES	9.10
TOTAL CURRENT WORK	1,544.60
BALANCE DUE	<u>\$1,544.60</u>

*MDC*

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

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TOWN OF LOXAHATCHEE GROVES  
 155 F Road  
 Loxahatchee Groves FL 33470

ACCOUNT NO: 1574-1107594R  
 STATEMENT NO: 6925

Attn: William F. Underwood, II - Town Manager

A Cut Above (Special Exception)

			HOURS	
11/03/2015	MDC	Miscellaneous telephone conference with JF, BU on application; review code sections.	0.50	
		FOR CURRENT SERVICES RENDERED	0.50	<u>92.50</u>
RECAPITULATION				
	<u>TIMEKEEPER</u>		<u>HOURS</u>	<u>HOURLY RATE</u>
	MICHAEL D. CIRULLO		0.50	\$185.00
				<u>\$92.50</u>
		TOTAL CURRENT WORK		92.50
		BALANCE DUE		<u>\$92.50</u>

*MDC*

AMOUNTS PREVIOUSLY BILLED NOT INCLUDED ABOVE

**Town of Loxahatchee Groves, FLORIDA  
Town Council AGENDA ITEM REPORT**

**AGENDA ITEM NO. 3c.**

MEETING DATE: 12/01/2015

**PREPARED BY:** Virginia Walton, Town Clerk

**SUBJECT: Escrow Agreement with Palm Beach County Clerk of the Court**

**1.BACKGROUND/HISTORY**

**Problem Statement:** certain documents such as Special Magistrate Orders, code enforcement liens, some ordinances, planning & zoning department agreements, etc., need to be recorded with the Palm Beach County Clerk of the Courts.

**Problem Solution:** The Palm Beach County Clerk of the Courts Recording Department has a program for establishing an escrow recording account with the Clerk of the Court, allowing all recordable documents to be mailed using a standard transmittal form. Documents will be returned by mail to the Town, along with a monthly statement listing all documents recorded, the cost for recording each document and a balance in the escrow account.

**2.CURRENT ACTIVITY**

Recording Town documents require personnel to travel downtown to the Clerk of the Court offices in West Palm Beach with a check and wait for the document to be recorded. This is time consuming and inefficient use of personnel time.

**3.ATTACHMENTS**

Escrow Agreement Form  
Email from PBC Supervisor – Court Operations outlining escrow account benefits

**4.FINANCIAL IMPACT**

The monthly statement will give a concise list of all recorded documents and all costs involved, and only one check per month will be required for replenishing the escrow account, rather than multiple checks for each document. Also, this will allow for more efficient use of personnel time.

**5.RECOMMENDED ACTION**

Motion to authorize the Mayor to execute the escrow agreement form with Palm Beach County Clerk of the Courts and establish the escrow account with five hundred (\$500.00) funding level.

**LEGAL RECORDS**  
**ESCROW AGREEMENT**

THIS ESCROW AGREEMENT (the "Agreement"), dated \_\_\_\_\_, is made between SHARON R. BOCK, Clerk and Comptroller of Palm Beach County, (the "Clerk") and \_\_\_\_\_ (the "Customer").

WHEREAS, the Clerk provides various services for fees and costs as prescribed by Florida Statute;

WHEREAS, the Customer and the customer's employees and/or agents require the services of the Clerk's office; and

WHEREAS, the Customer and Clerk have sought an efficient and effective means of obtaining such services;

NOW, THEREFORE, the Clerk and the Customer agree as follows:

1. A non-interest bearing escrow account shall be established for payment of charges, costs and fees incurred by Customer.
2. The Customer shall deposit funds into the escrow account to be drawn upon by the Customer's Authorized Users for payment of Clerk's fees, charges and costs.
3. An executed Agreement with a User Authorization/Change Form (Exhibit "A" attached hereto) and the initial escrow deposit must be submitted to the Clerk's office in order to establish an account. The Clerk shall notify the Customer of the establishment and availability of the escrow account by written transmittal of the escrow account number to the Customer's address as indicated in this Agreement.
4. The Customer shall designate a Principal Agency Representative and an Alternate Agency Representative. The Agency Head as well as the Principal and the Alternate Agency Representatives shall be responsible for establishing and maintaining the list of "Authorized Users." Authorized Users are persons designated and specifically authorized by the Customer to use the escrow account. The Customer, through the Agency Head, Principal or Alternate Agency Representative, may designate up to (5) five Authorized Users by completing the User Authorization/Change Form (attached hereto as Exhibit "A").
5. It is the Customer's sole responsibility to maintain the privacy of the assigned escrow account assigned to the Customer. The Clerk is not responsible for any unauthorized usage of the escrow account. It is the Customer's sole responsibility to notify the Clerk of any modification to the list of Authorized Users by sending a written request to the Clerk using the User Authorization/Change Form attached hereto as Exhibit "A." The Form must be signed by the Agency Head, Principal or Alternate Agency Representative. A written confirmation of modification will be sent to Customer upon update of the authorized users list. The modification is not complete until the Customer receives the

written confirmation. The Customer may call the Clerk to obtain expedited confirmation as appropriate.

6. All escrow transactions require a completed Transaction Request Form. The Transaction Request Form shall be submitted to the appropriate Clerk department for processing.
7. The Customer shall designate a minimum escrow account balance. The Clerk will send a written notification to the Customer, at the address indicated herein, if the Customer's account is equal to or less than \_\_\_\_\_. The escrow account may be replenished at any time with a deposit by cash, check or money order. The Customer may mail or deliver the deposit to the Accounting Department or the appropriate operational department. The Customer will receive monthly escrow account activity statements.
8. The Customer shall maintain adequate funds in its escrow account to ensure timely processing of service transactions. If the Customer's escrow account balance is insufficient to process a transaction request, the Customer will be notified and the transaction request will not be completed until sufficient funds are received.
9. If the Customer desires to close its escrow account, the Customer must provide written notice to the Clerk signed by the Agency Head, Principal or Alternate Agency Representative. The notice must indicate the Customer name and the escrow account number to be closed. Upon receipt of such notice, the Clerk will close the escrow account and forward any remaining balance in the escrow account to the Customer.
10. The Clerk retains the right to close any escrow account at any time in its sole discretion. The customer shall be given at least 14 days written notice of closing. Upon closing, any remaining balance in the escrow account will be returned to the customer at the address listed herein.
11. If any term or provision of this Agreement, or the application thereof to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such terms or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.
12. If any legal action or other proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default, or misrepresentation in connection with any provisions of this Agreement, the Clerk shall be entitled to recover reasonable attorney's fees, court costs (including, without limitation, all such fees, costs and expenses incident to appeals), and all expenses (including taxes), even if not taxable as court costs, incurred in that action or proceeding, in addition to any other relief to which such party or parties may be entitled. Venue for such action will be Palm Beach County, Florida.



**EXHIBIT "A"**

**DESIGNATION OF PRINCIPAL  
AND  
ALTERNATE AGENCY REPRESENTATIVE**

The undersigned customer, \_\_\_\_\_ [Print Name of Agency] by and through its Agency Head, hereby designates the following persons as authorized Agency Representatives:

Principal Authorized Representative

\_\_\_\_\_  
Print Name of Principal Representative

Alternate Authorized Representative

\_\_\_\_\_  
Print Name of Alternate Authorized Representative

Done and executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Agency Head Printed Name

\_\_\_\_\_  
Agency Head Signature

# Town of Loxahatchee Groves, FLORIDA TOWN COUNCIL AGENDA ITEM REPORT

## AGENDA ITEM NO. 6.a.

**PREPARED BY:** | Jim Fleischmann

**SUBJECT:** Drysdale Site Plan Application SP 15-3 (Resolution 2015-36)

### 1. BACKGROUND/HISTORY

**Problem Statement:** The Town Council should review and consider the proposed Site Plan.

**Problem Solution:** Recommend approval, approval with conditions or denial of the application.

The property was granted a Future Land Use designation (Town Ordinance 2014-01) from Rural Residential 5 to Commercial Low and a rezoning (Town Ordinance 2014-02) from Agricultural Residential to Commercial Low).

### 2. CURRENT ACTIVITY

The property, located south of Tangerine Drive at the northwest corner of Southern Boulevard and Loxahatchee Avenue, is 6.55 acres in size. The Applicant, Nancy Drysdale, has requested site plan approval for a 28,400 sq. ft. commercial facility (Valencia Village) consisting of three one-story commercial buildings; 14,400 sq. ft.; 10,000 sq. ft.; and 4,000 sq. ft.

Staff finds proposed Site Plan SP 2015-03 consistent with the Town's Comprehensive Plan, ULDC zoning requirements and Site Plan criteria. The Palm Beach County Traffic division states that the project meets County TPS standards subject to conditions which have been incorporated within the conditions of approval of Resolution 2015-03. Staff is also recommending that Loxahatchee Avenue be paved from Southern Boulevard to the eastern project entrance.

The application was reviewed by PZB (June 11, 2015 meeting) and postponed to the July 9, 2015 meeting to provide additional information. After reviewing the additional information, PZB recommended approval by a 5 – 0 vote. The RETAG Advisory Committee (June 24, 2015 meeting) reviewed and recommended approval subject conditions, including the provision of an east-west horse trail along the northern boundary and horse trail crossing signage at the trail intersection with Loxahatchee Avenue. These conditions have been incorporated in Resolution 2015-36.

### 3. ATTACHMENTS

1. Resolution 2015-36
2. Staff Summary Report: Site Plan Application 15-3 (Drysdale Property).

### 4. FINANCIAL IMPACT

Work on this project is funded by a Cost Recovery Account funded by the Applicant.

### 5. RECOMMENDED ACTION

Recommend approval of Resolution 2015-36 subject to the conditions presented therein.

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2015-36**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE DRYSDALE PROPERTY (VALENCIA VILLAGE) SITE PLAN, FOR LAND OWNED BY NANCY C. DRYSDALE, AS TRUSTEE, UNDER THE NANCY C. DRYSDALE REVOCABLE TRUST AGREEMENT DATED SEPTEMBER 19, 2005 , CONSISTING OF 6.55 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND LOXAHATCHEE AVENUE LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT “A” TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council adopted Ordinance 2014-01 revising the future land use designation of the property from Rural Residential 5 (RR 5) land use category to the Commercial Low (CL) land use category; and

**WHEREAS**, the Town Council adopted Ordinance 2014-02 approving the rezoning of the property from the Agricultural Residential (AR) zoning district to the Commercial Low (CL) zoning district; and

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

**WHEREAS**, the Council, pursuant to Section 155-015(D) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny site plans; and

**WHEREAS**, the notice and hearing requirements, as provided for in Article 115 (Public Hearing Notices) of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

**WHEREAS**, the Town Planning and Zoning Board (P&Z Board), at its meeting of July 9, 2015 recommended approval of the Drysdale Application SP 2015-03; and

**WHEREAS**, the Drysdale Site Plan Application SP 2015-03, was presented to the Town Council at a quasi-judicial public hearing conducted on December 1, 2015; and

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

**WHEREAS**, this approval is subject to Section 155-030 (Effect of Approval) of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development commence in a timely manner.

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

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

**Section 2.** The Town Council has considered the findings in the Agenda Item Staff Report dated November 20, 2015 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

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

6. This Final Site Plan, as presented in Exhibit B hereto, and Statement of Use, as presented in Exhibit C hereto, along with conditions of approval, as adopted and presented in Exhibit D hereto, will result in logical, timely and orderly development patterns.

**Section 3.** The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Drysdale Site Plan Application SP 2015-03 for the parcel of land legally described in Exhibit "A", attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit "A", attached hereto and made a part hereof. A copy of the Final Site Plan, subject to the approved conditions as resented in Exhibit D hereto, is attached hereto as Exhibit B and made a part hereof.

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

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

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

*[The remainder of this page intentionally left blank.]*

**RESOLVED AND ADOPTED** by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this \_\_\_\_ day of December, 2015.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
Mayor David Browning

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Vice Mayor Ron Jarriel

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

\_\_\_\_\_  
Council Member Jim Rockett

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Tom Goltzene

**EXHIBIT A**

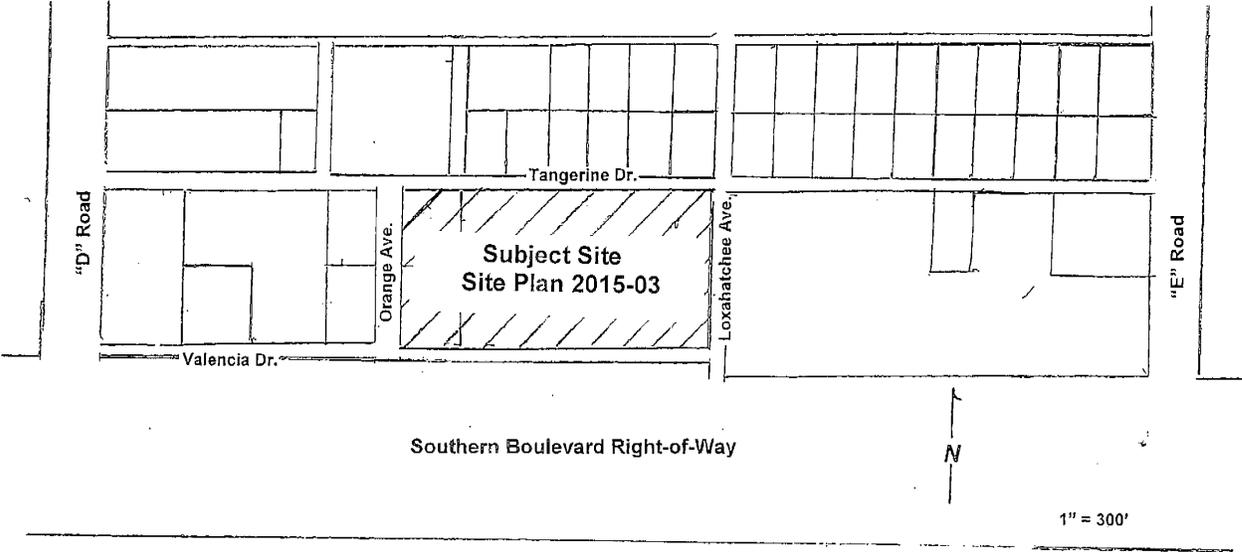
**LEGAL DESCRIPTION AND LOCATION MAP**

**The following Legal Description is applicable to Resolution 2015-36:**

Parcel Control Numbers: 41-41-43-32-01-000-2080; 41-41-43-32-01-000-2090;  
and 41-41-43-32-01-000-2100.

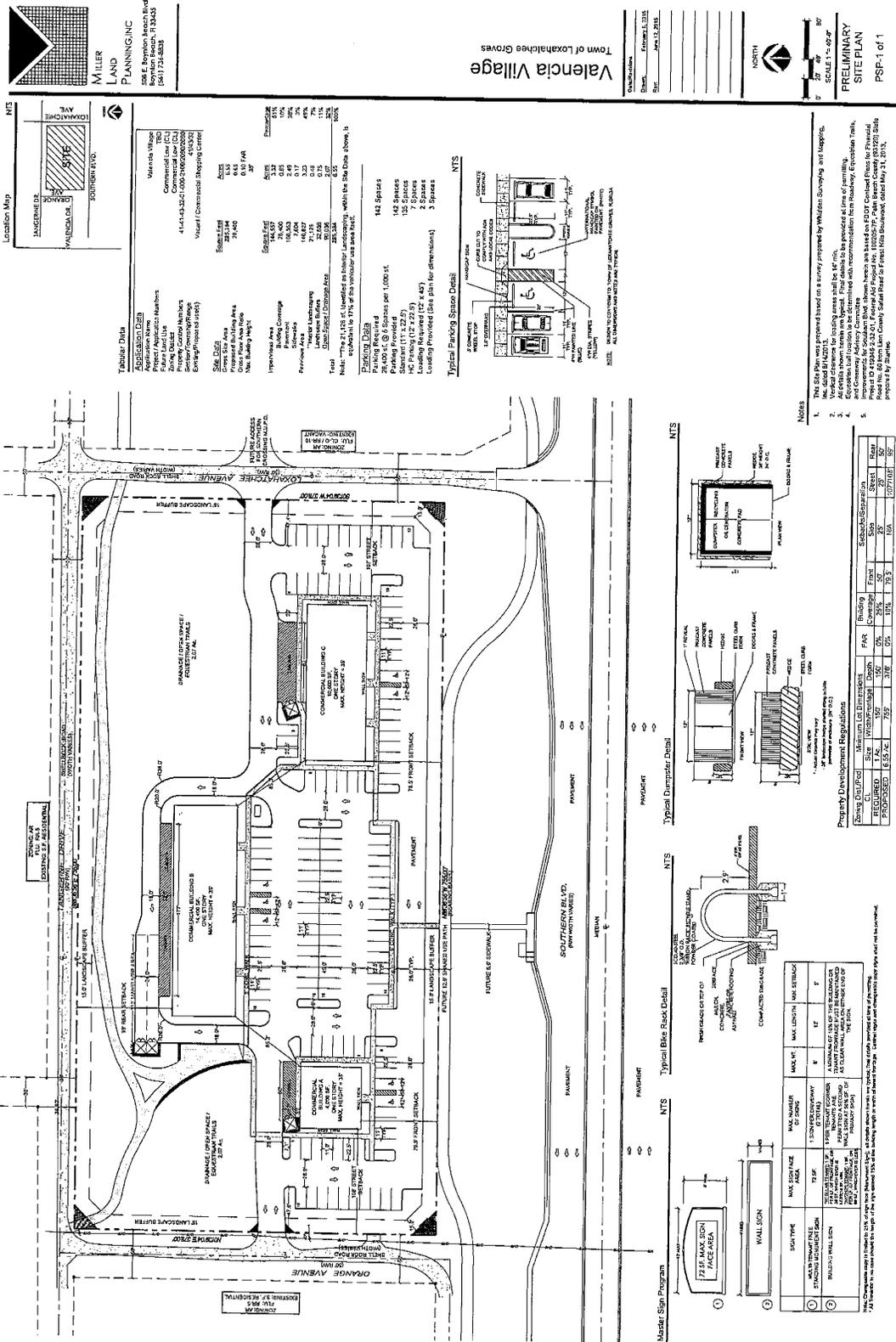
LOT 208, LOT 209, LOTS 210 TO 215, INCLUSIVE, PLAT ONE, LOXAHATAHEE HOMES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 22, PAGE 55, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**LOCATION MAP**



# EXHIBIT B

## FINAL SITE PLAN 2015-03

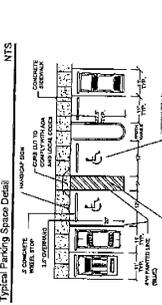


**VALERIA VILLAGE**  
 596 E. Peyton Street Blvd.  
 Valencia, CA 91355  
 (561) 724-8328

**TABLED DATA**  
 Application Name: Valencia Village  
 Project/Proposed: Commercial Low Density  
 Zoning District: M-10  
 City/County: Valencia, CA / Santa Clara County  
 Survey/Map Reference: Survey/Map Reference (1985)

Item	Value	Item	Value
Site Area	281,144	Setbacks	10' / 10' / 10' / 10'
Impervious Area	78,400	Max. Building Height	30'
Building Coverage	27.9%	Max. Lot Coverage	10%
Permitted	100%	Max. Lot Area	100%
Prohibited	0%	Max. Lot Area	100%
Max. Lot Area	281,144	Max. Lot Area	100%
Max. Lot Area	281,144	Max. Lot Area	100%

**Parking Data**  
 143 Spaces  
 143 Spaces  
 135 Stalls  
 7 Spaces  
 3 Spaces



**NOTES**  
 1. This site plan was prepared based on a survey prepared by Wilbur Smith & Associates, Inc. dated 01/02/15.  
 2. Vertical clearance for building areas shall be 14'-0".  
 3. Elevation of lot corners to be determined with reconnaissance from a survey of the site.  
 4. Elevation of building areas shall be determined with reconnaissance from a survey of the site.  
 5. Proposed building areas shall be based on 100% lot coverage.

**Valencia Village**  
 Town of Valencia  
 Planning Department  
 596 E. Peyton Street Blvd.  
 Valencia, CA 91355  
 (561) 724-8328

**PROPERTY DEVELOPMENT REGULATIONS**

Zone	Min. Lot Dimensions	Min. Lot Area	Min. Lot Coverage	Min. Lot Area	Min. Lot Coverage	Min. Lot Area	Min. Lot Coverage
REQUIRED	150' x 150'	22,500	10%	2,250	10%	2,250	10%
PROPOSED	150' x 150'	22,500	10%	2,250	10%	2,250	10%

**EXHIBIT C**  
**STATEMENT OF USE**  
**FINAL SITE PLAN: SP 2015-03 (Valencia Village)**

The Valencia Village development will provide a blend of commercial and accessory personal service uses consistent with the commercial zoning of the property. The intensity of use is compliant with the provisions of Policy 1.15.3 of the Future Land Use Element of the Town of Loxahatchee Groves Comprehensive Plan, land development codes, and is compatible with the surrounding zoning and existing uses.

The site plan is intended to implement the Town's CL Future Land Use designation by incorporating a variety of complimentary community services including retail, restaurant, and commercial uses within a unified development plan. The CL Future Land Use designation permits the construction of local retail sales and office establishments which are beneficial to the residents of the Town of Loxahatchee Groves.

The overall floor-area-ratio (F.A.R.) at 0.10 is consistent with the general rural intent of the Comprehensive Plan and specific provisions of Special Policy 1.15.3. Architectural details will emphasize the Rural Vista Guidelines preferred by the Town of Loxahatchee Groves.

Due to the location of residential lots within 250 feet of the boundary of the property, the Site Plan provides several features to insure neighborhood compatibility. First and foremost, as required by the zoning approval there is no vehicular access to Tangerine proposed. A 15 foot landscape buffer along the north property line is provided. In addition the site plan provides equestrian access from Tangerine and has reserved the remaining open space along Tangerine for storm water management facilities which provide additional buffer area to include trees and shrubs which provide both a visual screen and an aesthetically pleasing perimeter to the property. Perimeter landscaping is supplemented by interior landscaping including an area to be maintained as a "native community", located in the northwestern portion of the property.

Dumpsters and loading areas will be sufficiently screened by both enclosures and the proposed landscaping.

**EXHIBIT D  
FINAL SITE PLAN SP 2015-03  
CONDITIONS OF APPROVAL**

**GENERAL**

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit B (Drysdale Final Site Plan). The approved Site Plan is dated June 12, 2015. All modifications to the Site Plan must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, as determined by the Town Manager.
3. Direct ingress and egress to a future commercial development from Tangerine Drive shall be prohibited.
4. The location of the 0.20 acre preserve area shall be identified on the Final Landscape Plan dated June 29, 2015 included in Attachment E herein..
5. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Engineer shall review and approve the following plans for consistency with the approved Site Plan Site Plan, Paving, Drainage, Water and Wastewater Plans, Irrigation Plan, and Photometric Plan.
6. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager shall review and approve the following plans for consistency with Town Resolution 2015-36: Site Plan, Landscape Plan, and Elevations.
7. A plat pursuant to Article 140 of the Town's Unified Land Development Code shall be reviewed and approved by the Town Engineer and the Town prior to applying for an initial building permit.
8. A 10-foot easement for a horse trail shall be granted by the property owner at the time of platting consistent with the general location indicated on the Landscape Plan dated June 29, 2015.

**USE LIMITATIONS**

1. Land use and intensity of development on the property shall be regulated by the application of the following:
  - a. Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.010 in order to accommodate a maximum of 28,400 sq. ft. of general retail, restaurant and office uses.
2. Building height shall be limited to one story.

**ARCHITECTURAL**

1. Architectural features shall comply with the Building A, B and C elevations included in Attachment F, herein.

**ENGINEERING**

1. Consistent with the Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no building permits for the site shall be issued after December 31, 2019. A time extension for this condition may be approved by Palm Beach County based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

2. No building permits for more than 15,300 square feet of the general commercial use shall be issued until the contract has been let for the Assured Construction of Southern Boulevard from Binks Forest Drive to Crestwood Boulevard as a six-lane divided facility.

3. No building permits shall be issued until a 280 feet westbound right-turn lane with a 50 feet taper is constructed on Southern Boulevard at the Loxahatchee Avenue intersection.

4. No building permits shall be issued until a 280 feet westbound U-turn lane with a 50 feet taper is constructed on Southern boulevard at the "D" Road intersection.

5. No building permits for more than 15,300 square feet of the general commercial use shall be issued until the conversion of southbound "D" Road into right-turn only at the Southern Boulevard intersection.

6. The property owner shall obtain all necessary permits from FDOT for the modifications on Southern Boulevard at the Loxahatchee Avenue and "D" Road intersections described in items 3 and 4 above.

7. Prior to receiving the first Certificate of Occupancy, the property owner shall fund the total cost to design, permit, construct and inspect Loxahatchee Avenue as a 2-laned paved roadway from Southern Boulevard north to the Loxahatchee Avenue entrance to the project , as indicated on the Site Plan, dated June 12, 2015.

8. Survey, plat, site lighting plans, civil engineering plans, and mechanical, electrical and plumbing plans and details shall be included with documents submitted to the Town Engineer for review and approval during the Land Development Review Process.

**LAND CLEARING AND LANDSCAPING**

1. Any land clearing activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code coincident with the Town's land development review process. Included in the required land clearing permit application, an "Ecological Community Management Plan" shall be submitted for the 0.20 acre "Reserve" to satisfy the requirements of ULDC Section 85-025 (C) "*Preserved/created ecological communities.*"

2. Project landscaping shall conform to the Landscape Plan dated June 29, 2015.

**EXTERIOR LIGHTING**

1. All lighting shall conform to the Photometric Plan dated February 24, 2015, or as revised based upon Town Engineer direction.
2. All exterior lighting shall be directed downward and contain shields to contain lighting within the property boundaries.

**PALM TRAN**

1. Not Applicable. A future bus shelter may be developed within the Southern Boulevard right-of-way, as indicated on the Site Plan dated June 12, 2015 at the discretion of Palm Tran and the Florida Department of Transportation.

**PARKING AND LOADING**

1. The Site Plan shall indicate 142 parking spaces at the standard size of 11' x 22.5' unless a variance is approved by the Town Council allowing a smaller size.
2. Paved parking on the property shall not exceed the code-required 142 spaces.

**SIGNS**

1. Sign permit applications shall be submitted to the Town as required by ULDC Section 90-070 *Sign permit requirements*.
2. Mandatory building identification signs (maximum sign face of 4 sq. ft.) shall be attached to each structure.
3. The number of monument signs shall be limited to the following:
  - Two shopping center free-standing monument signs at each of the following locations: Southwest corner of the property with a maximum sign face of 72 sq. ft.; and southeast corner of the property with a maximum sign face of 72 sq. ft.
  - Five shopping center attached building wall signs (2 corner locations @ 2 signs per building and one sign on the 14,400 sq. ft. centrally located building) @ maximum sign face of 12 sq. ft. of sign face per sign

**UTILITIES AND SERVICES**

1. A fully executed Potable Water and Wastewater Development Agreement between the Property Owner and the Palm Beach County Water Utility Department shall be provided to the Town of Loxahatchee Groves for the provision of central water and wastewater services to the project prior to issuance of the first project building permit.
2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy
3. Buildings of 5,000 sq. ft. and larger shall contain automatic sprinkler systems.





**TOWN OF LOXAHATCHEE GROVES  
TOWN COUNCIL  
December 1, 2015**

**AGENDA ITEM STAFF SUMMARY:**

**1. Site Plan Application 15-3; Drysdale Property**

**Project Name:** Drysdale Property.

**Agent:** Nancy C. Drysdale.

**Applicant:** Nancy C. Drysdale.

**Owner:** Nancy C. Drysdale, as Trustee, under the Nancy C. Drysdale Revocable Trust Agreement Dated September 19, 2005..

**Parcel Control Numbers (PCN):** 41-41-43-32-01-000-2080 (0.67 acres);  
41-41-43-32-01-000-2090 (0.67 acres); 41-41-43-32-01-000-2100 (5.21 acres).

**Project Location:** Northwest Corner of Southern Boulevard and Loxahatchee Avenue.

**Size of Property:** 6.55 acres.

**FLU Map Designation:** Commercial Low (CL); Town Ordinance 2014-01.

**Zoning Map Designation:** Commercial Low (CL); Town Ordinance 2014-02.

**Existing Use:** Single-family, in part; 1,751 sq. ft. residence; and vacant, in part.

**Maximum Development Potential Proposed Land Use:** 28,532 sq. ft. of CL space  
(6.55 acres x 43,560 sq. ft. per acre x 0.1 FAR)

**Approval History**

The property was granted Future Land Use Map (Town Ordinance 2014-01; from Rural Residential 5 to Commercial Low) and rezoning (Town Ordinance 2014-02; from Agricultural Residential to Commercial Low).

To insure consistency with the Town's planning documents and compatibility with surrounding land uses, Ordinance 2014-01 was approved subject to the following conditions presented in the March 5, 2014 staff report:

1. A County Traffic Performance Standards (TPS) review, including a concurrency determination, shall be completed at the time of site plan review, when a specific plan of development is proposed, in order to establish traffic-based building potential and the timing thereof.\*

2. Direct ingress and egress to a future commercial development from Tangerine Drive shall be prohibited.
3. The Rural Vista Guidelines, as directed by the Town Council, shall be incorporated within the development design.
4. PalmTran shall be contacted during the site plan approval process to determine if a bus shelter is needed and feasible.
5. A vegetative survey, including a native plant and habitat inventory, shall be completed at the time of site plan approval, including identification of an appropriate mitigation and/or preservation program, as necessary.
6. Prior to submitting a site plan, the Roadway Equestrian Trails and Greenways (RETAG) Advisory Committee shall be consulted regarding the incorporation of an equestrian trail within the development program.

### **Application Summary**

The application has requested site plan approval for a 28,400 sq. ft. commercial facility consisting of three one-story commercial buildings; 14,400 sq. ft.; 10,000 sq. ft.; and 4,000 sq. ft. See Statement of Use (Attachment A) and Site Plan (Attachment B)

### **Submitted Support Documents**

<b>Item</b>	<b>Content</b>
Final Site Plan	Valencia Village Site Plan dated June 12, 2015. Ref. Attachment B.
Statement of Use	Ref: Attachment A
Architectural Elevations	Ref: Attachment C
Landscape and Tree Removal and Transplant Plans	Landscape Plan dated June 29, 2015 calculating and illustrating the following landscape requirements: Interior open space; vehicular use area; rural vista guidelines; and created ecological community. Existing native vegetation survey and required mitigation. Ref: Attachment D.
Drainage Statement	Description of storm water system and legal positive outfall provided in Attachment H of the previous Future Land Use Amendment application.
Photometric Plan	Included in Application. To be reviewed at the time of Land Development Review by the Town Engineer
Traffic Statement	Consultant TPS Analysis; October 21 2015. Susan E. O'Rourke, P.E., Inc. Conclusion – Peak-hour trips will not adversely affect the area roadway network. October 29, 2015 Letter from Palm Beach County Traffic division states that project meets County TPS standards subject to conditions which have been incorporated within Staff recommended conditions of approval (Ref: Attachment E)..
Environmental Assessment	Assessment provided in Attachment M of the pervious Future Land Use Amendment application. No issues.
Conceptual Engineering Plan	PBC water and sewer availability letter provided. Paving and drainage and on and off-site central water and sewer service plans to be prepared by Applicant and reviewed by Town Engineer at the time of Land Development Review.

### **Staff Finding and Recommendation**

Staff finds the proposed Site Plan, dated June 29 2015, consistent with the Town's Comprehensive Plan, ULDC zoning requirements and Site Plan criteria and recommends approval of Site Plan Approval Application 2015-03, subject to the Conditions of Approval presented in Attachment E.

### **Planning and Zoning Board (PZB) Review**

At its June 11, 2015 meeting, PZB voted to defer proposed Site Plan 2015-03 to its July 9, 2015 meeting due to a delayed Traffic Performance Standards (TPS) letter from Palm Beach County and give the RETAG Advisory Committee an opportunity to review the proposed horse trail component. Additional recommended Conditions of Approval are as follows:

1. Prepare elevation drawings for all three buildings.
2. Redesign the parking lots to accommodate Code required 11' x 22.5' parking spaces = Currently 94 spaces @ 11' x 22.5' spaces and 41 spaces @ 9.5' x 18.5' spaces are proposed.
3. Determine the ownership status of Valencia Drive fronting the property.

At its July 9, 2015 meeting, PZB recommended approval, by a 5 – 0 vote, of proposed Site Plan 2015-03 pending receipt of a positive Traffic Performance Standards (TPS) letter from Palm Beach County. The letter, indicating compliance with TPS standards subject to conditions, was prepared by the County on October 29, 2015. Stated conditions of approval have been incorporated within the staff recommendation (Ref: Attachment E).

### **Roadways Equestrian Trails and Greenways (RETAG) Advisory Committee Recommendation**

At its June 24, 2015 meeting, RETAG Advisory Committee voted to recommend approval by a 3 - 0 vote, subject to the following:

1. The Town shall gain and maintain site control of the planned horse trail.
2. Horse trail east-west connectivity shall be provided.
3. The horse trail shall be dedicated in perpetuity.
4. The horse trail can meander on the property and extend into the northern property line buffer and/or share the retention pond maintenance area if necessary.
5. Horse trail crossing signage shall be placed at its intersection with Loxahatchee Avenue.

6. The RETAG Advisory Committee is not opposed to permitting 41 parking spaces to be smaller than code required stall size in order to accommodate the horse trail.

**Staff Report Summary**

**A. Adjacent Land Uses**

<b>Direction</b>	<b>Existing Uses</b>	<b>FLU and Zoning Designations</b>
North	Tangerine Drive. Beyond Tangerine Drive are 6 0.35 acre lots (Five with a single family residence and one vacant). To the west is a 2.06 acre parcel owned by the School District	Rural Residential 5 FLU and Agricultural Residential AR zoning
South	Southern Boulevard right-of-way.	NA – Road rights-of-way
East	Loxahatchee Avenue. Beyond Loxahatchee Avenue is a vacant 9.23 acre property with the following development approval: Southern Crossings MUPD: 29,856 sq. ft. of medical office space and 7,552 sq. ft. of bank space.	Commercial Low Office (CL-O) FLU and Multiple Use Planned Development (MUPD) zoning (County zoning designation).
West	Orange Avenue. Beyond Orange Avenue are two 0.54 acre lots (One with a single-family residence and one vacant)	Rural Residential 5 FLU and Agricultural Residential AR zoning.

**B. Infrastructure Impacts**

<b>Infrastructure Service</b>	<b>Summary</b>
Water/wastewater	Property can be served by County central water/wastewater along Southern Boulevard. Letter from Palm Beach County Water Utilities Department provided. Water and sewer pipes located in Southern Boulevard r.o.w. adjacent to the property..
Surface Water Management	Drainage statement provided (Attachment H of the FLU Map Amendment Application). Property currently drained by sheet flow to adjacent public rights-of-way. The property is within the SFWMD C-51 Basin. A drainage system will be designed and approved by the Town's Consulting Engineer as part of the land development review process prior to filing an initial building permit.
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. Applicant must execute contract with private hauler for collection.
Transportation	Traffic Analysis provided by Susan E. O'Rourke, P.E., Inc. (Included in Site Plan Application). Study concludes that projected P.M. peak-hour traffic will have no significant impact upon Southern Boulevard

<b>Infrastructure Service (continued)</b>	<b>Summary (continued)</b>
Parks and Recreation	Not Applicable – Commercial land use and zoning
Public Schools	Not Applicable – Commercial land use and zoning
FIRE/EMS	Letter from Palm Beach County Fire/Rescue stated that the served by Station #21, located at 14200 Okeechobee Blvd. A previous letter from Fire/Rescue, submitted with the FLU Map amendment application indicated an estimated response time less than the average for the nearest station.

### C. Environment

<b>Item</b>	<b>Summary</b>
Natural Resources	The applicant states that the property has no wetlands or surface waters and was previously cleared and filled and periodically mowed (Attachment M of the FLUM Amendment Application). Existing vegetation is primarily upland grasses, with limited areas of Cabbage Palm, Slash Pine, and exotics, including Brazilian Pepper. A tree survey, indicating Live Oak, Slash Pine, Acacia, Sable Palm and Florida Holly locations is included in the site plan application.
Historical Resources	Letter from the County Archaeologist provided(Attachment O of the FLUM Amendment Application) stating that there are no known archaeological sites on or within 500 feet of the property
Flood Zone	Zone X-500, per Map # FLU 1.5 of the Comprehensive Plan (Attachment K of the FLUM Amendment Application). Zone X-500 is the area lying between the limits of the 100-year and 500-year flood; or certain areas subject to the 100-year flood with average depths of less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the 100-year flood.

### D. Comprehensive Plan Consistency

The subject property currently is assigned Future Land Use Map and Zoning designations of Commercial Low (CL). Site Plan 15-3, which proposes a 28,400 sq. ft. commercial development, is consistent with the assigned designations and the following Comprehensive Plan directives:

- FLU Objective 1.2 The Town shall support development of rural style commercial center along the Southern Boulevard Corridor.
- FLU Policy 1.2.1 The Town shall limit new commercial development to areas south of East Citrus Road border to border.
- FLU Policy 1.12.3 The Town shall encourage development of a rural-style commercial center along the Southern Boulevard Corridor to provide a center of accessible shopping, recreation, and employment opportunities for Loxahatchee Groves' residents.

**E. Zoning Requirements: CL Zoning District**

<b>Regulation</b>	<b>Standard</b>	<b>Property Complies?</b>
Minimum lot size	1 acre	Yes/6.55 acres
Frontage and Access	Paved Collector or Arterial	Yes/Southern Blvd.
Minimum frontage/width	150 feet	Yes/755 feet
Minimum depth	150 feet	Yes/378 feet
Maximum Floor-Area-Ratio	0.10	Yes/0.0995
Maximum building and roofed structures lot coverage	25%	Yes/0.0995
Front setback	50 feet	Yes/75.5 feet
Side setback	25 feet	Not Applicable
Side street setback (2)	25 feet	Yes/107 feet
Rear setback	50 feet	Yes/103 feet
Minimum pervious area	30%	Yes/50%
Maximum building height	35 feet	Yes/35 feet

**F. ULDC Section 110-025(B). Minimum Application Requirements**

<b>Requirement</b>	<b>Response</b>
Vehicular and pedestrian access	Property is bordered by four roads: Southern Boulevard; Tangerine Drive; Loxahatchee Avenue; and Orange Avenue. Potential access available from each of these roads. Access to Tangerine prohibited by Ordinance 2014-01 (FLU Map amendment). Proposed Site Plan indicates access from Orange Avenue and Loxahatchee Avenue. An on-site Equestrian Trail, shared-use path along Southern Boulevard and sidewalk linking the development to the shared-use path and a potential bus shelter are also depicted.
On-site circulation	Proposed Site Plan illustrates the locations of drive aisles providing on-site circulation among the proposed buildings and site access drives.
Parking	Proposed Site Plan illustrates the locations of parking areas and the number and size of parking spaces and drive aisles.
Proposed roadway or easement vacations or road closures	None proposed
Off-site roadway improvements and traffic impacts in adjacent neighborhoods.	TPS letter from Palm Beach County dated October 29, 2015 indicates the following necessary improvements: (1) a west-bound right-turn lane at the Southern Boulevard/Loxahatchee Avenue intersection; (2) a westbound U-turn lane at Southern Boulevard and "D" Road; and (3) conversion of the southbound lane on "D" Road to right-turn only when more than 15,300 sq. ft. of the proposed development is built.. Conditions of approval are included to address these items.

**F. ULDC Article 85: Landscape Plan Requirements (See Attachment D)**

<b>Requirement</b>	<b>Response</b>
Section 85-025 (C) Plots of 2 acres or more shall preserve or create and maintain an ecological community of at least 3% of area of the property	0.20 acres required. 0.20 acre ecological community located in N/W corner of property indicated on Landscape Plan – meets requirement.
Section 85-040 (D) (2) and (3) A tree survey, including trees to be removed or relocated, including proposed relocation sites	Native Tree Survey provided in Site Plan application. Mitigation plan, including trees to be removed or relocated shall be completed as part of the Town's Land Development approval process.
Section 85-040 (D) (7) The location, including height, caliper and canopy spread of all landscape materials	Provided in Landscape Plan.
Section 85-040 (E) Irrigation plan if irrigation system to be used	Condition of Approval. To be reviewed by Town Engineer at the time of Land Development Review.
Section 85-050 (A) (1) No substances that prevent water percolation in areas not containing structures or paving	Per Site Plan, structures and paving constitute impervious area. Calculated pervious area @ 50% - meets ULDC requirement of 30%.
Section 85-050 (A) (2) Primary structures treated with shrubs @ 2.5 foot height along 20% of the structure frontage	Landscaping along 3 sides of each proposed building– meets requirement
Section 85-050 © Interior open space area defined and located @ 10% of the area of vehicular use areas, excluding landscape strip or perimeter buffers	Calculated in Site Plan – Interior open space at 17% - meets requirement.
Section 85-050 (B) Meets interior open space tree and shrub requirements	Calculated in Landscape Plan – meets requirement: 11 trees; 106 shrubs.
Section 85-050 (D) Dumpsters, mechanical equipment and electrical transformers screened	Four dumpsters screened per Landscape Plan – meets requirement
Section 85-050 (E) Signs screened	Two monument signs proposed on the Site Plan. Both screened per Landscape Plan – meets requirement
Section 85-050 (F) Existing vegetation credit requested and calculated	Calculated per Landscape Plan – meets requirement
Section 85-055 (B) Landscape buffer along property line abutting AR District	15 foot landscape buffers provided on north and west property lines per Site Plan and Landscape Plan. – meets requirement
Section 85-050 (C) 15 foot vehicular use landscape strip (not counted as interior open space)	15 feet provided on south, east and west parking lots per Site Plan and Landscape Plan.- meets requirement.

Requirement (continued)	Response
Section 85-050 (C) (1) Vehicular use landscape requirements	Vehicular use areas provided with landscape islands per Site Plan and Landscape Plan – meets requirement
Section 85-065 Site distance requirements (Ref: ULDC Article 105)	25 foot corner clips provided at all 4 corners of the property – meets requirement..

## G. ULDC Supplementary Requirements

### a. ULDC Article 90 Signs

Allowed Signs	Response
Sections 05-040 Permits required and 90-070 Sign permit requirements	Condition of Approval
<b>Section 90-040(B) Standards by sign type and zoning district (CL District shopping center or other multi-tenant center)</b>	
(1) Mandatory attached building identification (i.e. address) sign : 1 per structure or business @ maximum sign face of 4 sq. ft.	Condition of Approval
(2) Attached awning sign (optional): Maximum 1 per structure or business @ maximum sign face of 4 sq. ft.	None proposed
(3a) Outparcel or individual stand-alone building wall sign(s): 1 per building, 2 if corner location @ maximum sign face of 18 sq. ft. to 36 sq. ft.	5 wall signs proposed; as follows: 2 on 4,000 sq. ft. corner location building, 2 on 10,000 sq. ft. corner location building, and 1 on 14,000 sq. ft. building. – meets requirements. Condition of Approval limiting size to ULDC requirements.
(4) Attached canopy sign: 1 per canopy or 2 per building which ever is less @ 16 sq. ft. to 24 sq. ft.	None proposed
(5b) Shopping center or other multi-tenant center free-standing monument or panel sign(s): 1 per driveway @ maximum sign face area of 72 sq. ft.	2 driveways per Site Plan/2 signs allowed. 2 proposed monument signs per Site Plan @ 72 sq. ft. sign face located at the southeast and southwest corners of the property.
(6) Real Estate or Project Sign (to be removed after sale or project completion) 1 per street frontage @ maximum sign face of 12 sq. ft.	None proposed
Sections 90-065 Landscaping around signage to meet the requirements of Section 85-050 Landscape design for interior open space	Landscaping around monument signs per Landscape Plan – meets requirement..

**b. ULDC Article 95 Parking and Loading**

<b>Requirement</b>	<b>Response</b>
Section 95-010 Minimum parking space requirements – 142 spaces required. 3 handicap spaces required (Ref: Table 208.2 PBC ULDC – 2% of total)	142 spaces provided. 7 handicap spaces provided – meets requirement
Section 95-025 Size of parking spaces – Standard space = 11' x 22.5". Handicap space = 14' x 22.5'	Proposed parking space distribution: 1. 11' x 22.5' spaces = 142 spaces
Section 95-050 Minimum loading space requirements (i.e. for uses that receive materials by truck).	3 loading spaces provided (1 @ each building) – meets requirement
Section 95-070 Size of loading spaces – 12' x 45' with 14' vertical clearance	Loading spaces at 13.5' x 60', 20' x 82' and 12' x 177' – meets requirement.

**H. ULDC Section 155-020: Substantive Requirements (Site Plan)**

<b>Criterion</b>	<b>Compliance</b>
Section 150-020 (A) Conformance to the approved and/or recorded plat, if applicable	The property consists of 2 lots (Tracts 9 and 11 of Block D) recorded on the Replat of Loxahatchee District Subdivision on 6/12/1925 (ORB 12, Page 29).
Section 150-020 (B) Consistency with the Loxahatchee Groves Comprehensive Plan	Yes – Refer to Section D, above.
Section 150-020 (C) Conformance with the Town of Loxahatchee Groves ULDC	Yes – Refer to Sections E - G, above.
Section 150-020 (D) Conformity with the water control district's requirements and regulations.	Proposed drainage discharge "D" Road Canal. No LGWCD issues identified.

**I. Architecture (Discussion of Rural Vista Guidelines by Applicant)**

The proposed development plans are consistent with the Rural Vista Guidelines with major architectural features as outlined below. Additional detail is presented in Attachment C.

- Gable Roof
- Standard Seam Metal Roofing
- Exposed Truss Rails
- Horizontal Lap or board and Batton Siding
- Front Porches with Railings

## J. Compatibility

An inventory of land uses adjacent to the subject property is presented in Section A. All adjacent properties lie beyond street rights-of way. Properties to the west and north are currently assigned Future Land Use designations of Rural Residential 5 (density of one dwelling unit per five acres) and Zoning designations of Agricultural Residential (AR). Actual densities are considerably higher, however, as all properties are considerably smaller than 5 acres (i.e. 0.35 to 0.54 acres each).

The adjacent property to the east, beyond Loxahatchee Avenue, is a vacant 9.23 acre property (i.e. Southern Crossings MUPD) with the following development approval: 29,856 sq. ft. of medical office space and 7,552 sq. ft. of bank space.

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can compliment and support each other. For example, a residential use can help support a commercial use and, conversely, the commercial use can provide essential goods and services to residents of surrounding neighborhoods.

Separation of potentially incompatible uses can act to fully or partially mitigate potential incompatibilities. To the west and north the subject property is separated from adjacent residential properties by fifty foot rights-of-way (i.e. Orange Avenue and Tangerine Drive). A condition of the FLU Map amendment prohibits site access from Tangerine Drive

In addition to separation of uses, access management, buffering, screening, setback, height, landscaping, and architectural requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

A review of the subject site vicinity leads to the conclusion that the area is comprised of a mixture of existing and planned land uses along Southern Boulevard, including commercial (retail and office), institutional (government) and recreation with moderate intensity (i.e. 2 to 3 units per acre) residential and agricultural uses behind frontage parcels to the north of Tangerine Drive.

The CL Future Land Use and Zoning designations (maximum intensity of 0.10 F.A.R.) combined with the Rural Vista Guidelines provides the Town with an opportunity to establish rural-style commercial uses along Southern Boulevard. Comprehensive Plan directives regarding compatibility with neighboring properties and implementation of Rural Vista Guidelines directives along with implementation of buffering and screening techniques are used to insure compatibility.

**K. Development Review Committee (DRC) Comments**

The following were notified and requested to provide any comments during the review process regarding issues or concerns with the proposed Site Plan:

<b>Agency/Entity</b>	<b>Comment/Response Summary</b>
County Agricultural Extension Office	No reply
PBC Sheriff's Department	No reply
PBC Health Department	Replied: No objections
Lox. Groves Water Control District	No reply
PBC Solid Waste Authority	No reply
Keschavarz & Assoc. (Town Engineer)	Comment letter provided. Questions and comments regarding engineering issues can be provided at the time of land development review by the Town. Recommends paving of Loxahatchee Avenue from Southern Blvd. to project entrance.
PBC Fire Rescue	Letter provided during land use amendment process indicating service availability.
Simmons & White (Town Traffic Engineer)	Comments to be provided during land development review process.

**ATTACHMENT A**  
**Drysdale Property Site Plan: SP 2015-03 (Valencia Village)**  
**STATEMENT OF USE**

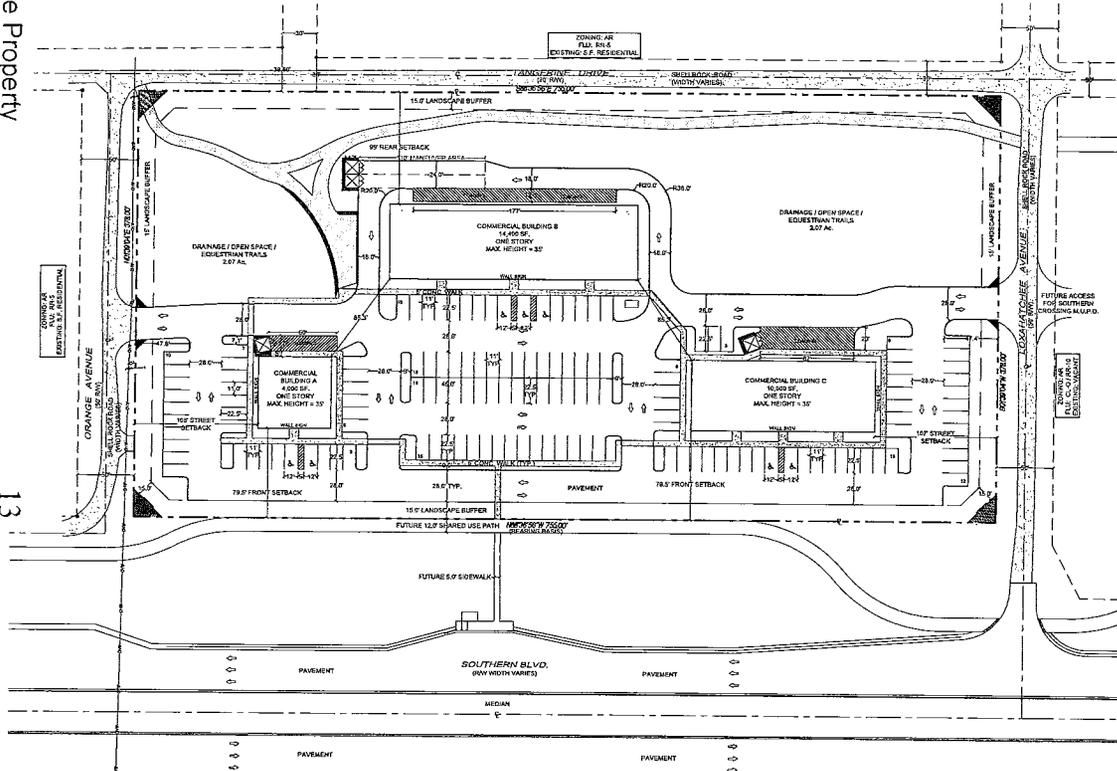
The Valencia Village development will provide a blend of commercial and accessory personal service uses consistent with the commercial zoning of the property. The intensity of use is compliant with the provisions of Policy 1.15.3 of the Future Land Use Element of the Town of Loxahatchee Groves Comprehensive Plan, land development codes, and is compatible with the surrounding zoning and existing uses.

The site plan is intended to implement the Town's CL Future Land Use designation by incorporating a variety of complimentary community services including retail, restaurant, and commercial uses within a unified development plan. The CL Future Land Use designation permits the construction of local retail sales and office establishments which are beneficial to the residents of the Town of Loxahatchee Groves.

The overall floor-area-ratio (F.A.R.) at 0.10 is consistent with the general rural intent of the Comprehensive Plan and specific provisions of Special Policy 1.15.3. Architectural details will emphasize the Rural Vista Guidelines preferred by the Town of Loxahatchee Groves.

Due to the location of residential lots within 250 feet of the boundary of the property, the Site Plan provides several features to insure neighborhood compatibility. First and foremost, as required by the zoning approval there is no vehicular access to Tangerine proposed. A 15 foot landscape buffer along the north property line is provided. In addition the site plan provides equestrian access from Tangerine and has reserved the remaining open space along Tangerine for storm water management facilities which provide additional buffer area to include trees and shrubs which provide both a visual screen and an aesthetically pleasing perimeter to the property. Perimeter landscaping is supplemented by interior landscaping including an area to be maintained as a "native community", located in the northwestern portion of the property.

Dumpsters and loading areas will be sufficiently screened by both enclosures and the proposed landscaping.



**Tabular Data**

**Application Data**

Application Name	Valencia Village		
Project/Application Number	780		
Future Land Use	Commercial Low (CL)		
Zoning District	41-43-32-01-00-1100000000		
Property Control Number	414332		
Section/Township/Range	414332		
Existing/Proposed use(s)	Vacant / Commercial (Shopping Center)		

**Site Data**

Square Feet	Acres	
Gross Site Area	285,084	6.50
Proposed Building Area	28,400	0.65
Gross Floor Area Ratio		0.10 FAR
Max. Building Height		35'

**Impervious Area**

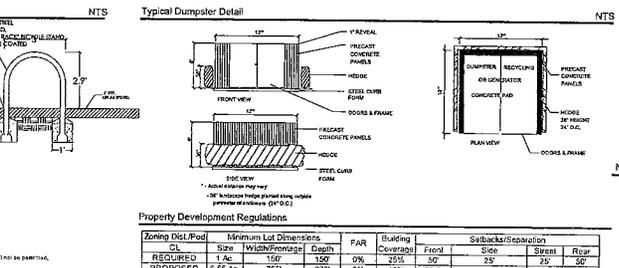
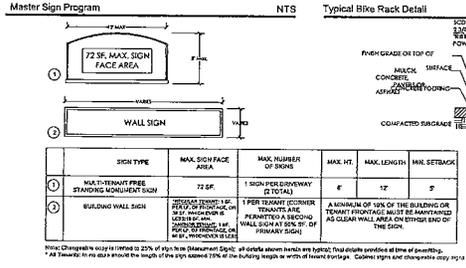
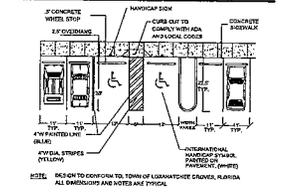
Square Feet	Acres	Percentage
Building Coverage	28,400	10%
Pavement	100,563	35%
Driveways	7,800	3%
Previous Area	140,817	49%
*Interior Landscaping	21,135	0.48
Landscaping Buffer	32,800	1.15%
Open Space/Drainage Area	60,000	2.12%
Total	285,394	100%

Note: \*\*The 31,136 sq. ft. identified as Interior Landscaping, within the Site Data above, is equivalent to 17% of the vehicular use area (Site).

**Parking Data**

Parking Required	142 Spaces
28,400 sq. ft. @ 5 Spaces per 1,000 sq. ft.	
Parking Provided	142 Spaces
Standard (11' x 22.5')	135 Spaces
1/2 Parking (12' x 22.5')	7 Spaces
Loading Required (12' x 45')	2 Spaces
Loading Provided (See plan for dimensions)	3 Spaces

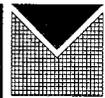
**Typical Parking Space Detail**



**Property Development Regulations**

Zoning Dist./Prod.	Minimum Lot Dimensions	FAR	Building Coverage	Front Setback	Side Setback	Rear Setback
REQUIRED	1 Ac. 150'	0%	25%	50'	25'	50'
PROPOSED	6.05 Ac. 750'	0%	10%	79.5'	N/A	107' (100' 59')

- Notes**
- This Site Plan was prepared based on a survey prepared by Whidden Surveying and Mapping, Inc. dated 01/14/2015.
  - Vertical clearance for loading areas shall be 14' min.
  - All details shown herein are typical. Final details to be provided at time of permitting.
  - Equation Unit location to be determined with recommendation from Roadway, Equestrian Trails, and Greenway Advisory Committee.
  - Improvements for Southern Blvd. shown herein are based on FDOT Contract Plans for Florida's Project ID 119345-2.30-01, Federal Aid Project No. 102005-7P, Palm Beach County (00120) State Road No. 80 from Loxley Safety Relief Road to Forest Hills Boulevard, dated May 31, 2014, prepared by Stantec.



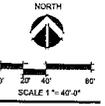
**MILLER LAND PLANNING, INC.**  
 508 E. Boynton Beach Blvd.  
 Boynton Beach, FL 33435  
 (561) 736-8838

**ATTACHMENT B**  
**Drysdale Property Site Plan: SP 2015-03**

**Valencia Village**  
 Town of Loxahatchee Groves

**Drawn/Revised**

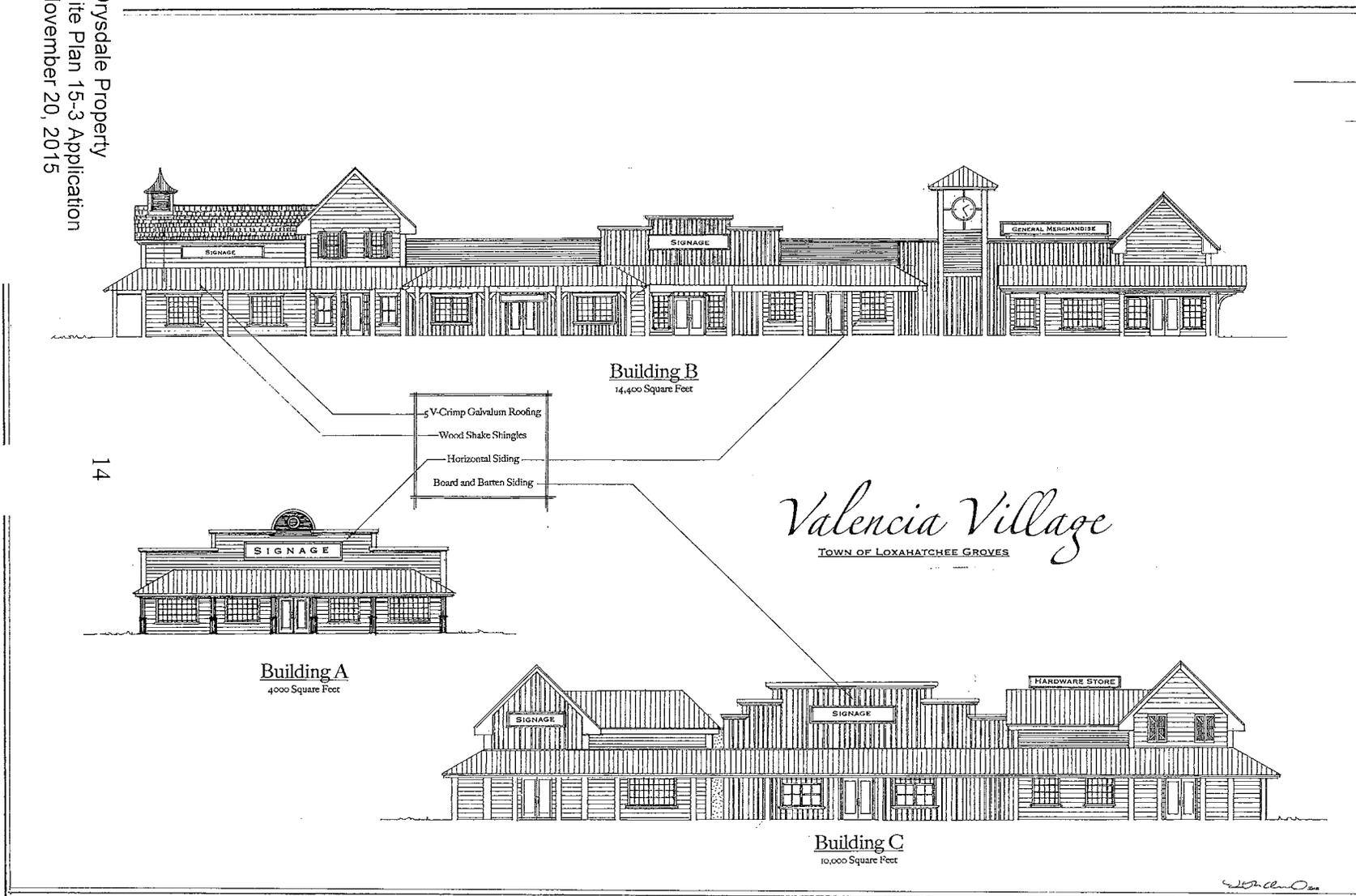
Drawn	February 5, 2015
Revised	June 15, 2015



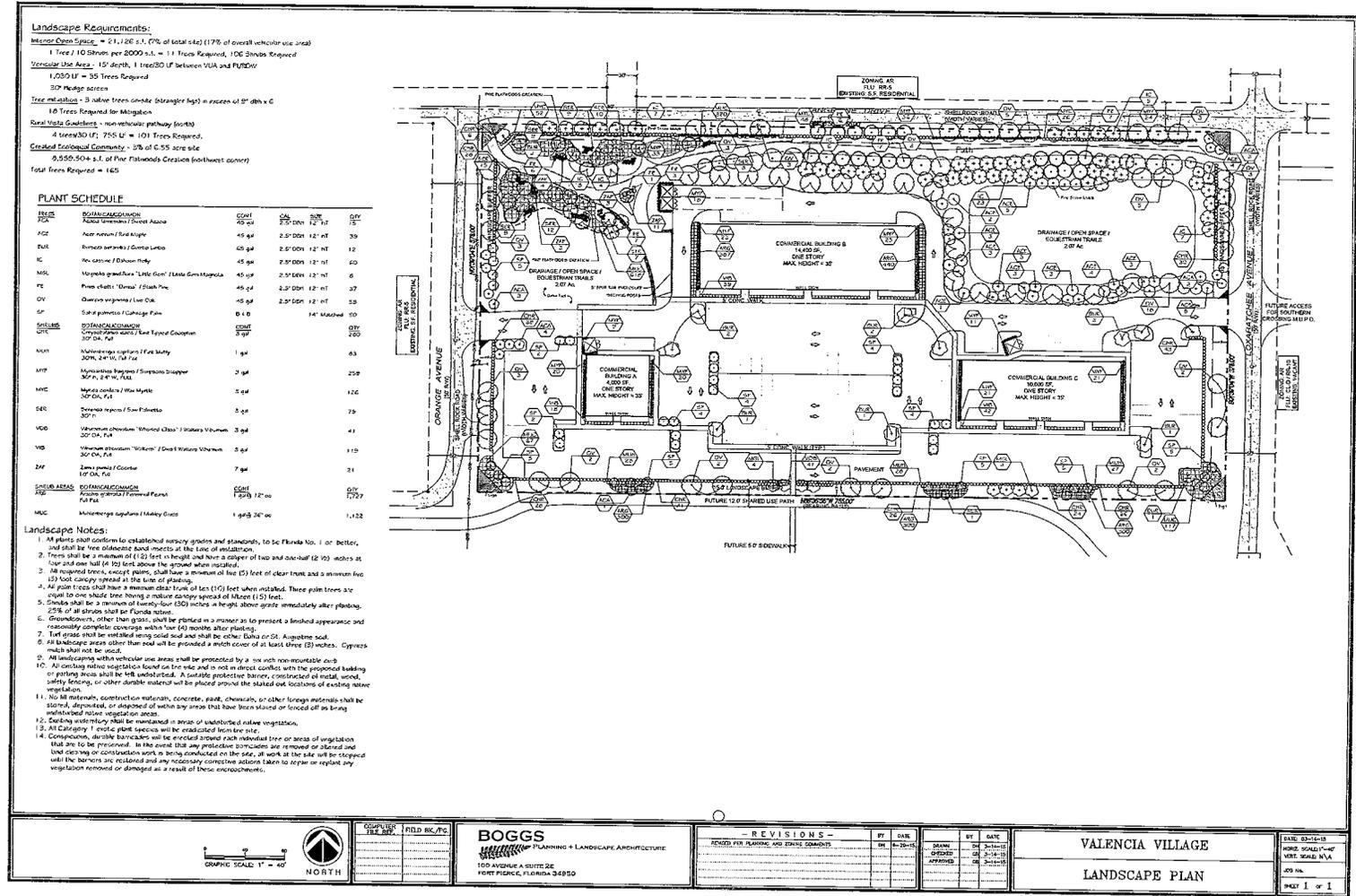
**PRELIMINARY SITE PLAN**

**ATTACHMENT C**  
**Drysdale Property Site Plan: SP 2015-03**  
**Architectural Elevations**

Drysdale Property  
 Site Plan 15-3 Application  
 November 20, 2015



ATTACHMENT D  
Drysedale Property Landscape Plan: SP 2015-03



Drysedale Property  
Site Plan 15-3 Application  
November 20, 2015

**ATTACHMENT E**  
**Drysdale Property Site Plan: SP 2015-03**  
**Conditions of Approval**

**GENERAL**

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit B (Drysdale Site Plan). The approved Site Plan is dated June 12, 2015. All modifications to the Site Plan must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, as determined by the Town Manager.
3. Direct ingress and egress to a future commercial development from Tangerine Drive shall be prohibited.
4. The location of the 0.20 acre preserve area shall be identified on the Final Landscape Plan dated June 29, 2015.
5. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Engineer shall review and approve the following plans for consistency with the approved Site Plan Site Plan, Paving, Drainage, Water and Wastewater Plans, Irrigation Plan, and Photometric Plan.
6. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager shall review and approve the following plans for consistency with Town Resolution 2015-36: Site Plan, Landscape Plan, and Elevations.
7. A plat pursuant to Article 140 of the Town's Unified Land Development Code shall be reviewed and approved by the Town Engineer and the Town prior to applying for an initial building permit.
8. A 10-foot easement for a horse trail shall be granted by the property owner at the time of platting consistent with the general location indicated on the Landscape Plan dated June 29, 2015.

**USE LIMITATIONS**

1. Land use and intensity of development on the property shall be regulated by the application of the following:
  - a. Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.010 in order to accommodate a maximum of 28,400 sq. ft. of general retail, restaurant and office uses.
2. Building height shall be limited to one story.

## **ARCHITECTURAL**

1. Architectural features shall comply with the Building A, B and C elevations included in Attachment C, herein.

## **ENGINEERING**

1. Consistent with the Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no building permits for the site shall be issued after December 31, 2019. A time extension for this condition may be approved by Palm Beach County based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

2. No building permits for more than 15,300 square feet of the general commercial use shall be issued until the contract has been let for the Assured Construction of Southern Boulevard from Binks Forest Drive to Crestwood Boulevard as a six-lane divided facility.

3. No building permits shall be issued until a 280 feet westbound right-turn lane with a 50 feet taper is constructed on Southern Boulevard at the Loxahatchee Avenue intersection.

4. No building permits shall be issued until a 280 feet westbound U-turn lane with a 50 feet taper is constructed on Southern boulevard at the "D" Road intersection.

5. No building permits for more than 15,300 square feet of the general commercial use shall be issued until the conversion of southbound "D" Road into right-turn only at the Southern Boulevard intersection.

6. The property owner shall obtain all necessary permits from FDOT for the modifications on Southern Boulevard at the Loxahatchee Avenue and "D" Road intersections described in items 3 and 4 above.

7. Prior to receiving the first Certificate of Occupancy, the property owner shall fund the total cost to design, permit, construct and inspect Loxahatchee Avenue as a 2-laned paved roadway from Southern Boulevard north to the Loxahatchee Avenue entrance to the project , as indicated on the Site Plan, dated June 12, 2015.

8. Survey, plat, site lighting plans, civil engineering plans, and mechanical, electrical and plumbing plans and details shall be included with documents submitted to the Town Engineer for review and approval during the Land Development Review Process.

## **LAND CLEARING AND LANDSCAPING**

1. Any land clearing activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code coincident with the Town's land development review process. Included in the required land clearing permit application, an "Ecological Community Management Plan" shall be submitted for the 0.20 acre "Reserve" to satisfy the requirements of ULDC Section 85-025 (C) "*Preserved/created ecological communities.*"

2. Project landscaping shall conform to the Landscape Plan dated June 29, 2015.

### **EXTERIOR LIGHTING**

1. All lighting shall conform to the Photometric Plan dated February 24, 2015, or as revised based upon Town Engineer direction.
2. All exterior lighting shall be directed downward and contain shields to contain lighting within the property boundaries.

### **PALM TRAN**

1. Not Applicable. A future bus shelter may be developed within the Southern Boulevard right-of-way, as indicated on the Site Plan dated June 12, 2015 at the discretion of Palm Tran and the Florida Department of Transportation.

### **PARKING AND LOADING**

1. The Site Plan shall indicate 142 parking spaces at the standard size of 11' x 22.5' unless a variance is approved by the Town Council allowing a smaller size.
2. Paved parking on the property shall not exceed the code-required 142 spaces.

### **SIGNS**

1. Sign permit applications shall be submitted to the Town as required by ULDC Section 90-070 *Sign permit requirements*.
2. Mandatory building identification signs (maximum sign face of 4 sq. ft.) shall be attached to each structure.
3. The number of monument signs shall be limited to the following:
  - Two shopping center free-standing monument signs at each of the following locations: Southwest corner of the property with a maximum sign face of 72 sq. ft.; and southeast corner of the property with a maximum sign face of 72 sq. ft.
  - Five shopping center attached building wall signs (2 corner locations @ 2 signs per building and one sign on the 14,400 sq. ft. centrally located building) @ maximum sign face of 12 sq. ft. of sign face per sign

### **UTILITIES AND SERVICES**

1. A fully executed Potable Water and Wastewater Development Agreement between the Property Owner and the Palm Beach County Water Utility Department shall be provided to the Town of Loxahatchee Groves for the provision of central water and wastewater services to the project prior to issuance of the first project building permit.

2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy
3. Buildings of 5,000 sq. ft. and larger shall contain automatic sprinkler systems.

**Town of Loxahatchee Groves, Florida**  
**Town Council Agenda Item Report**

**AGENDA ITEM NO. 6.b.**

**PREPARED BY:** Jim Fleischmann

**SUBJECT:** Weber Variance Application VA 2015-01: 1815 Kerry Lane (Resolution 2015-37)

**1. BACKGROUND/HISTORY:**

**Problem Statement:** The Town Council should consider the variance application (Resolution 2015-37).

**Problem Solution:** Recommend approval, approval with conditions or denial of the application.

**2. CURRENT ACTIVITY:**

The property is located at the southwest corner of Kerry Lane and Farley Road (west of “F” Road via Bryan Road). The property is 2.0 acres in size and the applicant has requested a variance from the Town’s rear and side setback requirements in the AR Agricultural Residential zoning district for the purpose of constructing a 32-foot x 50-foot storage building to house a recreational vehicle. The variance request is to reduce the required rear yard (west property line) setback from 37.5 feet to 15 feet and the side interior (south property line) setback from 37.5 feet to 15 feet. Neighboring properties to the south and north have utility buildings setback from 9 – 16 feet from the property lines. Owners of properties bordering the property have signed a letter stating that they have no issues with the proposed variance.

Staff finds that Variance Application VA 2015-01 may be acted upon by the Town Council, as it meets the requirements of ULDC Sections 150-010(B) and ULDC Section 150-010(C). Further, proposed Variance 2015-01 is not contrary to the public interest and adequate justification per the requirements of ULDC Section 150-020 “Consideration for variances”, has been provided by the Applicant.

The P & Z Board recommended approval of Variance Application by a 5 – 0 vote at its November 12, 2015 meeting.

**3. ATTACHMENTS:**

1. Resolution 2015-37
2. Staff Summary: Variance Application VA 2015-01

**4. FINANCIAL IMPACT:**

Work on this project is funded by a Cost Recovery Account funded by the Applicant

**5. RECOMMENDED ACTION**

Recommend approval of Resolution 2015-37 approving Variance Application 2015-01.

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2015-37**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE WEBER VARIANCE, FOR LAND OWNED BY CHRISTOPHER D. WEBER AND DARA M. WEBER AND RONALD A . CRAVENS, SR. AND JEANNE O. CRAVENS CONSISTING OF 2.0 ACRES MORE OR LESS, LOCATED AT THE SOUTHWEST CORNER OF KERRY LANE AND FARLEY ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida ("Town"), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to variances from land development regulations for development on property within the Town; and

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

**WHEREAS**, the notice and hearing requirements, as provided for in Article 115 (Public Hearing Notices) of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

**WHEREAS**, the Town Planning and Zoning Board (P&Z Board), at its meeting of November 12, 2015 recommended approval of the Weber Variance Application VA 2015-01; and

**WHEREAS**, the Weber Variance Application VA 2015-01, was presented to the Town Council at a quasi-judicial public hearing conducted on December 1, 2015; and

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

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

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

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

**Section 2.** The Town Council has considered the analysis and findings of the report entitled “Agenda Item Staff Summary: Variance Application VA 2015-01”, dated November 20, 2015 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. VA 2015-01 is a request to reduce the required rear yard (west property line) setback from 37.5 feet to 15 feet and the side interior (south property line) setback from 37.5 feet to 15 feet.
2. VA 2015-01, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations, including Sections 150-010(B) and 150-010(C).
3. The Applicant has demonstrated, based upon responses to the requirements of Section 150-020 (Considerations for variances) of the Town of Loxahatchee Groves land development regulations, that VA 2015-01 is not contrary to the public interest.

**Section 3.** The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Weber Variance Application VA 2015-01 for the parcel of land legally described in Exhibit A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit A, attached hereto and made a part hereof.

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

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

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

**RESOLVED AND ADOPTED** by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this 1st day of December 2015.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
Mayor David Browning

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Vice Mayor Ron Jarriel

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

\_\_\_\_\_  
Council Member Jim Rockett

\_\_\_\_\_  
Council Member Ryan Liang

\_\_\_\_\_  
Council Member Tom Goltzene

**EXHIBIT A**

**LEGAL DESCRIPTION AND LOCATION MAP**

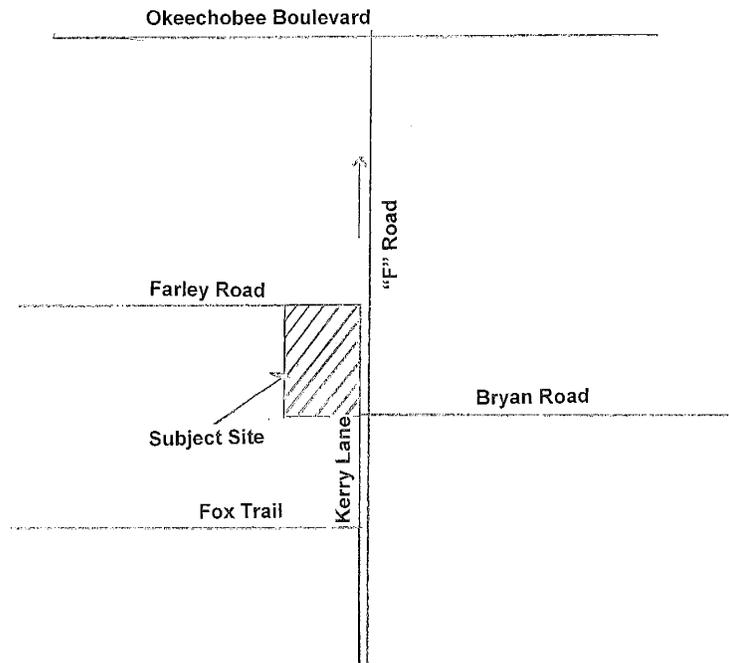
**The following Legal Description is applicable to Resolution 2015-0X:**

THE EAST 258.07 FEET OF THE SOUTH 337.60 FEET OF TRACT 28, BLOCK E, LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 12, PAGE 29; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH AN EASTMENT FOR INGRESS AND EGRESS OVER THE NORTH 60 FEET OF THE SOUTH 367.60 FEET OF TRACT 28, BLOCK E LOXAHATCHEE GROVES, RECORDED IN PLAT BOOK 12, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Parcel Control Number: 41-41-43-17-01-528-0100

**LOCATION MAP**



**TOWN OF LOXAHATCHEE GROVES  
TOWN COUNCIL  
December 1, 2015**

**AGENDA ITEM STAFF SUMMARY: VARIANCE APPLICATION VA 2015-01**

**A. DESCRIPTION OF THE PROPERTY**

**Project Name:** Weber Variance Application VA 2015-01

**Agent:** Christopher Weber

**Applicants:** Christopher D. and Dara M. Weber and Ronald A. and Jeanne O. Cravens

**Owners:** Christopher D. and Dara M. Weber and Ronald A. and Jeanne O. Cravens, whose mailing address is 1815 Kerry Lane Loxahatchee Groves, FL 33470.

**Parcel Control Number (PCN):** 41-41-43-17-01-528-0100.

**Project Location:** Southwest Corner of Kerry Lane and Farley Road, Loxahatchee Groves (1815 Kerry Lane Loxahatchee Groves). The property is located approximately 0.25 mile south of Okeechobee Boulevard, west of "F" Road via Bryan Road.

**Size of Property:** 2.0 acres. Lot is determined to be a legal non-conforming lot pursuant to Section 75-030 of the Loxahatchee Groves ULDC. Lot dimensions are as follows: Width (Kerry Lane frontage) = approximately 337 feet; and depth = approximately 258 feet.

**FLU Map Designation:** Rural Residential 5 (one unit per 5 acres).

**Zoning Map Designation:** AR – Agricultural Residential

**Existing Use:** Palm Beach County Property Appraiser (PAPA) Use Code – 0100 Single-Family. Property has Homestead Exemption and two residential units determined to be a single-family dwelling, an accessory dwelling (i.e. less than 1,200 sq. ft.) and a storage shed. All uses are permitted in the AR zoning district.

**Legal Non-Conforming Structures and Lot:** According to Town records (2005), the subject lot was in existence at that time. Further, according to PAPA data, the two residential structures were built in 1984 and 1994; prior to the date of incorporation of the Town. Based upon these data, the property is determined to be a non-conforming plot of record per Section 75-030 of the ULDC which allows such lots to be permitted for any use allowed in the zoning district as well as apply for variances.

Section 75-030 also allows for reduced setbacks, based upon the dimensions of the lot; 25% in the case of the subject property. Applying the Code-based reduction results in the following setbacks for the subject property: Front = 75 feet; Rear = 37.5 feet; Side = 37.5 feet; and Side Street = 60 feet.

**B. APPROVAL HISTORY**

Multiple building permits have been issued by Palm Beach County, commencing in 1983 (single-family home). Additional major permits were issued in 1993 (guest house) and 2001 (shed).

**C. APPLICATION REQUEST**

The Applicant has requested a variance from the non-conforming plot of record side and rear setback requirements of the Agricultural Residential District, as defined in ULDC Section 75-030, for the purpose of constructing a storage building to be used to house the family motor home when not in use. The Applicant has requested that the proposed storage building be allowed the following setbacks: 15 feet from the south (side) property line and 15 feet from the west (rear) property line.

If approved, the following variances will be awarded:

- South (side setback) property line = 22.5 feet
- West (rear setback) property line = 22.5 feet.

**Submitted Support Documents**

Submittal	Content
Survey	Property survey indicating the locations of existing structures, septic drain fields and the proposed storage shed (Ref: Attachment A).
Consistency Response per ULDC Section 150-020 <i>Considerations for variances</i>	Applicant's statement of consistency with variance consideration requirements (Ref: Attachment B)
Photographs	Subject property and neighboring properties (Attachment C).
Correspondence from neighbors	Adjacent property owner support for the variance request (Ref: Attachment D)

**D. STAFF REVIEW**

Variance procedures and requirements are contained in Article 150 *Variances* of the Town's ULDC. Per ULDC Section 150-010(B), the Town Council may grant a variance provided that such approval will not result in a use which is specifically or by inference prohibited in the zoning district. The requested variance is to allow the construction of an accessory storage building; a use which is allowed in the AR District.

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

1. Where plans have been submitted and approved and permits issued, and additional work not shown on the approved plans has been performed. Previous plans have not been submitted and approved, permits issued and additional work completed on the property.

2. Where a property has been subdivided and as a result an existing structure is in violation of the provisions of the ULDC. The property has not been subdivided since incorporation of the Town.

Brief descriptions of abutting properties are presented in the following table. Properties in the vicinity are generally two acres in size and assigned a Single-Family Use Code by the Palm Beach County Property Appraiser. None of the abutting properties are assigned a Bona fide agriculture Use Code.

**Inventory of Abutting Properties**

<b>Direction</b>	<b>Address</b>	<b>Description</b>
North	13537 Farley Road	Two acre property. Two structures – SF home (2,367 sq. ft.) and Garage (864 sq. ft.). Garage set back 16 feet from north property line.
South	1757 “F” Road	Two acre property. Two structures – SF home (1,572 sq. ft.) and Utility Building (1,650 sq. ft.). Utility building setback 15 feet from north property line and 9 feet from west property line.
East	1850 “F” Road	Two and one-half acre property. SF home (3,430 sq. ft.). Home set back 35 feet from north property line.
West	13578 Farley Road	Two acre property. SF home (1,818 sq. ft.) and Garage (769 sq. ft.) Utility building setback 60 feet from east property.

Properties to the north, east and south of the subject property have structures that do not meet ULDC setback requirements. Non-conforming setbacks on these properties range from 9 feet to 35 feet. In particular, the property located to the south of the subject property has a utility building with a side setback of 15 feet and a rear setback of 9 feet.

Per ULDC Section 150-020 of the ULDC, a variance will not be contrary to the public interest if the Applicant has demonstrated, by competent and substantial evidence, that five criteria are met. The Applicant’s detailed response to the five criteria is presented in Attachment B. A summary of the response is presented below:

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

**Summary of Applicant’s Response:** Two storage buildings currently exist on abutting properties (i.e. south and southwest corner) with setbacks less than required by the ULDC. Placement of the proposed storage building will result in minimizing the removal of native pine and palm trees and maximizing removal of exotic Brazilian Pepper trees.

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

**Summary of Applicant's Response:** There are no self-created hardships. Existing buildings, including septic drainfields, were built in 1984 and 1995 prior to incorporation of the Town. The southwest corner of the property was selected for location of the storage building to insure that neighbors' views are not obstructed and preservation of native vegetation is maximized.

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

**Summary of Applicant's Response:** The current setback requirements are not appropriate for properties as small as the subject site. Further, road easements on the north and east property boundaries effectively reduce the buildable area of the property to an area smaller than 2 acres. Other neighboring properties have accessory buildings with setbacks of 15 feet.

**Criterion 4:** The Variance proposed in 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.

**Summary of Applicant's Response:** The selected location for the storage building allows for the location of existing buildings on the property without encroaching upon the neighbors properties and minimizing the removal of native trees. The location also keeps existing views to the east and north in an effort to keep property and possessions safe and secure.

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

**Summary of Applicant's Response:** The proposed 15-foot setback is consistent with those on neighboring properties, allow ample room for emergency vehicles, and preserve native trees to the extent possible.

#### ***E. STAFF FINDINGS***

Based upon its review, Staff finds that Variance Application VA 2015-01 may be acted upon by the Town Council, as it meets the requirements of ULDC Sections 150-010(B) and ULDC Section 150-010(C).

Further, Staff finds that proposed Variance 2015-01 is not contrary to the public interest and adequate justification (Ref: Attachment B), per the requirements of ULDC Section 150-020 "Consideration for variances", has been provided by the Applicant. Specifically, the following Applicant responses are cited:

1. There are no self-created hardships. The lot is determined to be a legal non-conforming lot. Existing buildings and drainfields were built prior to incorporation of the Town.

2. Most neighboring properties include structures that do not meet ULDC setback requirements. Setbacks to the three buildings on the property to the south are 9 feet, 11 feet and 15 feet respectively. The three buildings were constructed prior to incorporation of the Town.

3. The location of the proposed storage building in the southwest corner of the property is proximate to the locations of neighboring buildings with setbacks that do not conform to ULDC requirements.

4. The proposed location of the storage building will minimize the removal of native trees.

5. Road easements for Kerry Lane and Farley Road effectively reduce the buildable area of the subject property from 2.0 acres to 1.65 acres.

6. Abutting property owners support the proposed variance.

***E. PLANNING AND ZONING BOARD (PZB) RECOMMENDATION***

The PZB, at its meeting on November 12, 2015, recommended approval of Variance Application VA 2015-01 by a 5 – 0 vote, subject to the time limitations stated in ULDC Section 150-030.

***F. STAFF RECOMMENDATION***

Staff recommends approval of Variance Application VA 2015-01 subject to the time limitations stated in ULDC Section 150-030. (NOTE: Section 150-030(A)(1) states that the variance approval will expire if a permit or development order has not been issued by the Town within 6 months of the approval of the variance.)





## ATTACHMENT B

### Applicant's Consistency Response per ULDC Section 150-020

Town of Loxahatchee Groves

155 F Road, Loxahatchee Groves, Florida 33470

Phone (561) 793-2418 Fax (561) 793-2420

### ATTACHMENT C – Statement of Consistency with Variance Considerations Section 150-020 of the Town Code

A variance will not be contrary to the public interest if the applicant has demonstrated by competent substantial evidence that the following criteria are met. Please provide a response to each criterion below:

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

*Response:* \_\_\_\_\_

**AND**

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

*Response:* \_\_\_\_\_

**AND**

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

*Response:* \_\_\_\_\_

**AND**

**4. The Variance proposed in 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.**

*Response:* \_\_\_\_\_

**AND**

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

*Response:* \_\_\_\_\_



Farley Rd

Farley Rd

Kerry Ln

Bryan

F Rd

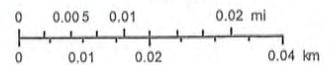
Kerry Ln



7A

41414317015280100

1:1,128



1. The house was built in 1984 on 2 acres, with a septic tank to the north of the residential building. In 1994, a 925 square foot mother-in-law quarters was added onto the property directly to the south of the main residential building. The septic tank for the mother-in-laws quarters is located to the south of that 2<sup>nd</sup> residential building. The center of the property is being taken up by the two dwellings.

In 2007, Loxahatchee Groves incorporated and adopted the rule that the minimum acreage was 5 acres with corresponding setbacks. Those 5 acre setbacks cannot reasonably be meant for our smaller 2 acre property. The proposed site for the building is 15 feet from the south and west property line in the back corner of our property. There are already 2 storage buildings on the south and southwest properties with the same setback that we are requesting. The placement of the building is also an effort to keep as many of the native Pine and Palm trees on the property while clearing all of the non-native Brazilian pepper trees.

2. There is no self-created hardship because the buildings were built in 1984 and 1995 with setbacks that were in place in those corresponding years. The back corner of the property was chosen to keep the building as far from the roads as possible, and it won't obstruct any of our neighbors views to their front fence lines. The placement was also picked to keep as many native plants and trees as possible. We cannot meet the current setbacks of \_\_\_\_\_ because that is where the houses were built with no knowledge that the city would incorporate in 2007 and make 5 acres the "normal lot size".
3. The literal interpretation of the code would deprive us of reasonable use of the property because the setbacks enforced after the 2007 incorporation were not meant for a smaller 2 acre property. We also have a road easement on the east and north fence lines that take up a considerable amount of acreage that makes the southwest corner of the property the best suited spot for the building. The properties around ours have storage buildings with 15 foot setbacks that they use to store vehicles, motor homes, lawn equipment, etc. We are only asking to be able to use our property in the same manner as our neighbors.
4. The proposed variance is the minimum variance to make possible the reasonable use of the property because the 15 foot setback at the south west corner of the property will enable us to build the building without in encroaching on the dwellings in the center of the property and our neighbors dwellings, while allowing us to keep the native trees and plants on the property.

7B

This also allows us to keep the view to the east and north fence line (which is bordered by Kerry Lane and Farley Road) clear in an effort to keep our property and possessions safe and secure.

5. The variance will be in harmony with the purpose of the code because the 15 foot setback we are asking for is the same setback other landowners are enjoying. The 15 foot setback will allow ample room for any emergency or utility vehicle to drive alongside the building, although there are no utilities along either the south or west fence line. The building will be a Miami-Dade hurricane rated building with an attractive look that is pleasing to the eye, and not a safety concern for any of the bordering properties. It will also allow for the continued growth of the many native plants and animals on the property.

**ATTACHMENT C**  
**Photographs**

Weber  
Variance 15-1 Application  
November 18, 2015



8A



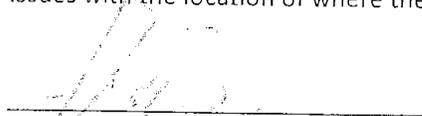
8B

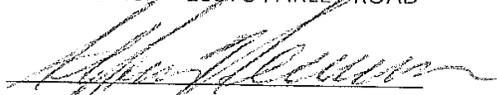
**ATTACHMENT D  
Letters of Support**

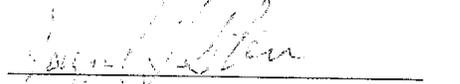
September 2, 2015

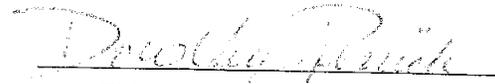
To Whom It May Concern,

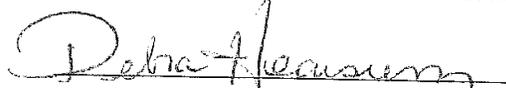
We are the bordering neighbors to the property located at 1815 Kerry Lane, Loxahatchee, Florida 33470. We acknowledge that Ronald Cravens, Jeanne Cravens, Christopher Weber and Dara Weber are the current owners of the property and are in the process of trying to build a steel building on the back southwest corner of their property. Given that they are in need of a variance, we have no issues with the location of where they are asking to put the building.

  
\_\_\_\_\_  
JOHN PENICK – 13578 FARLEY ROAD

  
\_\_\_\_\_  
STEPHEN HEARSUM – 13579 FOX TRAIL

  
\_\_\_\_\_  
RAYMOND STEVENS - 1757 KERRY LANE

  
\_\_\_\_\_  
DOROTHY PENICK – 13578 FARLEY ROAD

  
\_\_\_\_\_  
DEBRA HEARSUM – 13579 FOX TRAIL

  
\_\_\_\_\_  
SANDRA SAGLIME – 1757 KERRY LANE

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2015-08**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ORDINANCES 2014-08 AND 2015-05, THROUGH WHICH THE TOWN COUNCIL IMPOSED A MORATORIUM ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN, INCLUDING FUTURE LAND USE MAP AMENDMENTS AND TEXT AMENDMENTS, RELATING TO COMMERCIAL LAND USES ON PROPERTIES FRONTING ON OKEECHOBEE BOULEVARD WITHIN THE CORPORATE BOUNDARIES OF THE TOWN UNTIL DECEMBER 31, 2015, TO EXTEND THE MORATORIUM UNTIL JUNE 30, 2016 TO ENABLE THE ADOPTION OF APPROPRIATE AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on February 3, 2015, the Town Council adopted Ordinance 2014-08, which imposed a moratorium until May 31, 2015, on the receipt and processing of applications for Land Use Applications and Text Amendments to the Town's Comprehensive Plan relating to commercial land uses on property fronting Okeechobee Boulevard to provide the Town with time to review the Comprehensive Plan; and,

**WHEREAS**, since the adoption of Ordinance 2014-08, Town Administration, the Town Planner, and the Town Planning and Zoning Board (Land Planning Agency (LPA)), have worked diligently on reviewing the Town's Comprehensive Plan relating to Okeechobee; and,

**WHEREAS**, at its May 19, 2015, meeting, the Town Council received proposed amendments to the Town Comprehensive Plan relating to Okeechobee Boulevard, but required more time to evaluate amendment options and to complete the adoption process; and,

**WHEREAS**, on July 7, 2016, in order to provide more time for the Town's Management and Planning Staff, as well as the Town's Planning and Zoning Board and the community, more

time to review these issues which are so vital and critical to the future of the Town, the Town Council enacted Ordinance 2015-05 to amend Ordinance 2014-08 to extend the moratorium to December 31, 2015; and,

**WHEREAS**, since July 2015, there have been several meetings of the Town's Planning and Zoning Board to review development issues along Okeechobee Boulevard, and Town Management and Planning Staff have continued to review these important issues; and,

**WHEREAS**, at its October 20, 2015 meeting, the Town Council received revised proposed amendments to the Town Comprehensive Plan relating to Okeechobee Boulevard; however, the Town Council did not believe that such proposals warranted transmittal and adoption, and felt that additional direct input from the stakeholders in the process, including the property owners along Okeechobee Boulevard, was necessary in order to ensure a proper balance of permitted development along Okeechobee Boulevard with the vision of the Town to remain rural and avoid unnecessary expansion of Okeechobee Boulevard through the Town; and,

**WHEREAS**, as a result, more time is needed to continue to evaluate amendment options, including to provide for additional direct input from property owners along Okeechobee Boulevard, and to complete the adoption process, and a community workshop is scheduled for December 5, 2015; and,

**WHEREAS**, the Town Council believes that it is in the best interest of the Town, and its residents, to extend the moratorium to provide additional time to review the Town's Comprehensive Plan and for the adoption of amendments to the Plan, in order to enhance the Plan's consistency with the Town's historical conditions and vision of remaining a rural area.

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

**Section 1.** The foregoing "WHEREAS" clauses, as well as those in Ordinances 2014-08 and 2015-05, are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** Moratorium Extended. Section 4 of Ordinance 2014-08 and Section 2 of Ordinance 2015-05, are amended to extend the moratorium until June 30, 2016, to read as follows:

Period of Moratorium. The Town Council of the Town of Loxahatchee Groves hereby declares that the moratorium shall be effective for the period through June 30, 2016, unless otherwise modified by the Town Council by ordinance.

**Section 3.** Except as amended herein, the provisions of Ordinance 2014-08 remain in full force and affect.

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

**Section 5.** If any Section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 6.** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 3<sup>rd</sup> DAY OF NOVEMBER, 2015.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
Mayor David Browning

\_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
Vice-Mayor Ron Jarriel

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Council Member

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

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

**Town of Loxahatchee Groves, Florida**  
**Town Council**  
**AGENDA ITEM REPORT AGENDA**  
**MANAGER'S REPORT ITEM NO.8.a.**  
**MEETING DATE: 12/01/2015**

**Traffic:** Staff is working with Minto to draft an agreement between Minto and the Town for the

November 25, 2015	Will be setting a teleconference the week of 11/30/2015
November 13, 2015	Emailed bullets and report to G. Webb
October 29, 2015	Provided J. Easton copy of bullet points and report
October 27, 2015	No activity on this item
October 13, 2015	Telephone call to Mr. George Webb, County engineer, and left a message for a return call.
October 8, 2015	Simmons & White submitted an analysis of the traffic light cost (attached) based on the Minto Proposal.
September 29, 2015	The town's traffic engineer should finish the costing during this week and can be available on the agenda of 10/20/2015.
September 1, 2015	Town traffic engineer determining cost for items not included in the Minto proposal. This is needed in order to determine amount of Town funding needed.
August 25, 2015	Received email and will look to analyzing potential cost to implement light at D Road and Okeechobee. Transmitted information to Town Engineer for very preliminary estimates of cost.
August 12, 2015	No activity on this item
July 15, 2015	No activity on this item
June 30, 2015	No activity on this item
May 11, 2015	No activity on this item
April 15, 2015	This office met with representatives from Minto. Discussion points were covered regarding the proposed funding of the traffic control appurtenances for D Road and Okeechobee. Staff will review the information and report progress at the June 16 Town Council meeting.
April 1, 2015	No activity on this item
March 1, 2015	This office has received communication and we are trying to establish a date and time during the week of March 9 <sup>th</sup> .
February 10, 2015	No activity on this item
January 26, 2015	No activity on this item
January 14, 2015	No activity on this item
December 29, 2014	A discussion with Minto's attorney indicated Palm Beach County would agree for the Town and Minto to enter into a funding agreement which may exclude the County.

**Pilot and Road Contribution:** Big Dog Rescue

**Town of Loxahatchee Groves, Florida**  
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November 19, 2015	Emailed a reminder to Ms. Simmons regarding the agreement and \$100,000 funding for D Road contribution.
October 27, 2015	Emailed road contribution agreement and expect funding soon.
September 24, 2015	Teleconference with Town Attorney RE: agreements and some legal issues waiting to be reconciled.
September 23, 2015	Teleconference with Lauree Simmons regarding PILOT funding for \$7,000 and road contribution for \$100,000.

**Town of Loxahatchee Groves, Florida**  
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**Trails:** 6th Court North, Red Clover Nursery

- October 12, 2015      Preparing scope of project to survey needed property for trails on 6th Court North
- October 29, 2015      No activity on this item
- September 17, 2015      Met with owners, Denise & Marcel Bosse, of Red Clover Nursery to discuss potential of expanding the trail easement along the northern boundary of their property. The owners were general receptive. I advised the Town would prepare a survey after the Town receives the survey from the LGWCD.

**Trails:** 6th Court North, Palm Beach State College & western property

- November 24, 2015      Conference with representatives of Palm Beach State College and Vice Mayor Jarriel to clarify that trails will be open on the northern side of the college's property.
- November 13, 2015      Authorized and remitted payment.
- October 26, 2015      Received a response from Erdman Anthony indicating "...surveying projects are heavily weighted to the project initiation phases due to the preparation required to produce the final product. The work required to produce the Maintenance Maps includes survey control research, extensive field survey, calculations, sheet set up and drafting standards management in addition to drafting the individual sheets. Therefore, significant effort is involved before the individual sheets are submitted for approval."
- October 7, 2015      Received first request for reimbursement from LGWCD for \$27,006.72. Requested clarification as to why the cost did not equate to about 7 miles of trails.

**Roads/Culvert Replacement:** Attended a meeting at West C Road and Timberlane to meet the District Administrator and Supervisor

- November 25, 2015      Formulating policy for Council consideration delayed from 11/03/2015 meeting.
- October 29, 2015      No activity on this item
- October 29, 2015      No activity on this item. Due to return to Council for further consideration.

**Town of Loxahatchee Groves, Florida**  
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October 6, 2015	Town Council requested this item for the 10/20/15 agenda for culvert replacement policy postponed to 11/6/15
September 22, 2015	A culvert appears to be collapsed under the road leading into C canal. Property Owners are looking for relief in fixing the culvert and road after the repair. The Town collects gas tax for this road; however, the road is not the same as Compton, Marcella, and Bryan.
<b>Roads:</b>	This office met with Angela Hendrichsen Sandoval, P. E., PMP, Section Leader, and Ken Mudd,
November 25, 2015	No response as of this date to request for meeting.
November 13, 2015	Email to SFWMD staff to set a meeting.
October 29, 2015	No activity on this item
October 14, 2015	Staff was unable to contact SFWMD to set a meeting to review letter to property owners on 43rd
September 30, 2015	No activity on this item. Staff will reach out to the SFWMD during the week of October 5.
September 7, 2015	No activity on this item
August 12, 2015	No activity on this item
July 15, 2015	No meeting has been set by SFWMD and the Town to discuss the contents of the letter.
June 30, 2015	No meeting has been set by SFWMD and the Town to discuss the contents of the letter.
June 11, 2015	Staff received a proposed letter from SFWMD to the property owners on 43rd
May 27, 2015	Received a telephone call from Ken Mudd regarding a draft letter that will be sent and establishing a meeting date. It is believed the draft letter will be forthcoming in the next week or two.
May 11, 2015	No activity.
April 14, 2015	No activity on this item.
April 1, 2015	No activity.
February 23, 2015	Ms. Hendrichsen Sandoval stated that this office will be notified in advance of a letter will be drafted informing residents of a meeting to discuss the matter.
February 11, 2015	No activity.
January 15, 2015	This office received communication from SFWMD regarding their internal work to plan their path forward. Upon completing their planning effort, they will be in touch with staff.
January 14, 2015	No activity from SFWMD representative

**Town of Loxahatchee Groves, Florida**  
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December 16, 2015      No activity

**Purchasing:** Request for Proposals for Public Works related functions.

December 1, 2015	Recommend action to the TC
October 29, 2015	Bid opening date 11/2/2015 at 2pm
October 9, 2015	Advertisement published in PB Post and posted on the Town's web site. Bid opening date 11/2/2015 at 2pm
September 26, 2015	An RFP for services ranging from road grading, tree trimming, mowing, street sign installation, road watering, OGEM repairs, and similar services has been prepared and is currently being reviewed by legal, engineering and the OIG. Once completed, the Town will place the advertisement in local newspapers and the Town's web site at a minimum. The goal is to have this published by October 6th.

**Purchasing:** Request for Proposals for Code Enforcement Services.

November 20, 2015	Prepared RFP for code enforcement services. Responses are due December 21, 2015 no later than 2pm.
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**Water Utility:** Work to avoid Town residents from paying an extra 10% for potable water service to Royal Palm Beach Request for Proposals for Public Works related functions.

November 25, 2015	No activity on this item
November 13, 2015	Teleconference with Ed Lowrey; teleconference with Shannon LaRoque RE: funding and large user agreement.
October 29, 2015	Met with Jim Stiles, PBC Utility Director for preliminary discussions.
October 14, 2015	No activity as of this date. Will work to contact PBC utility before the 10/20/15 Town Council meeting.

**Unauthorized living structures:** Pursuant to Town Council instruction, staff initiated action against

November 25, 2015	No activity on this item
October 29, 2015	No activity on this item
October 14, 2015	No activity
July 29, 2015	His legal counsel has been advised that documents he requested copies of are available. We have had no response.
July 15, 2015	A lien has been filed on this property.
June 30, 2015	Attorney for Mr. Cherney reviewed documents; however, he continues to request additional time and information

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May 29, 2015	Attorney for Mr. Cherney reviewed documents; however, he was unable to finish his review
May 11, 2015	Staff is working to complete a public records request relative to this case as of May 11, 2015.
May 5, 2015	Staff began the survey and will finish and work to prepare a report for either the April 21, or May 5, 2015, agenda. Additionally, staff has proceeded with various actions on other properties initiated by individuals.

**Roads:** Folsom Road Traffic Calming

November 25, 2015	No activity on this item
October 29, 2015	No activity on this item
October 14, 2015	Waiting for response of timeline.
June 8, 2015	No activity to report
June 3, 2015	Provided information to the Town planner for thoughts and comments.

**3. ATTACHMENTS**

PBC Fire/Rescue Monthly Report - October 2015  
PBSO Monthly Report - October 2015

**4. FINANCIAL IMPACT**

Not applicable.

**5. RECOMMENDED ACTION**

Motion to receive and file report.



**Fire Rescue**

Chief Jeffrey P. Collins  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Shelley Vana, Mayor  
Mary Lou Berger, Vice Mayor  
Hal R. Valeche  
Paulette Burdick  
Steven L. Abrams  
Melissa McKinlay  
Priscilla A. Taylor

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

Official Electronic Letterhead

November 18, 2015

William F. Underwood, II, Town Manager  
Town of Loxahatchee Groves  
155 F Road  
Loxahatchee, FL 33470

Dear Mr. Underwood:

Enclosed is the Response Time Report for the Town of Loxahatchee Groves for the month of October 2015.

If you have any questions or concerns, please contact me at 561-308 4103.

Sincerely,

Michael Arena, Battalion Chief  
Palm Beach County Fire-Rescue



11/17/2015

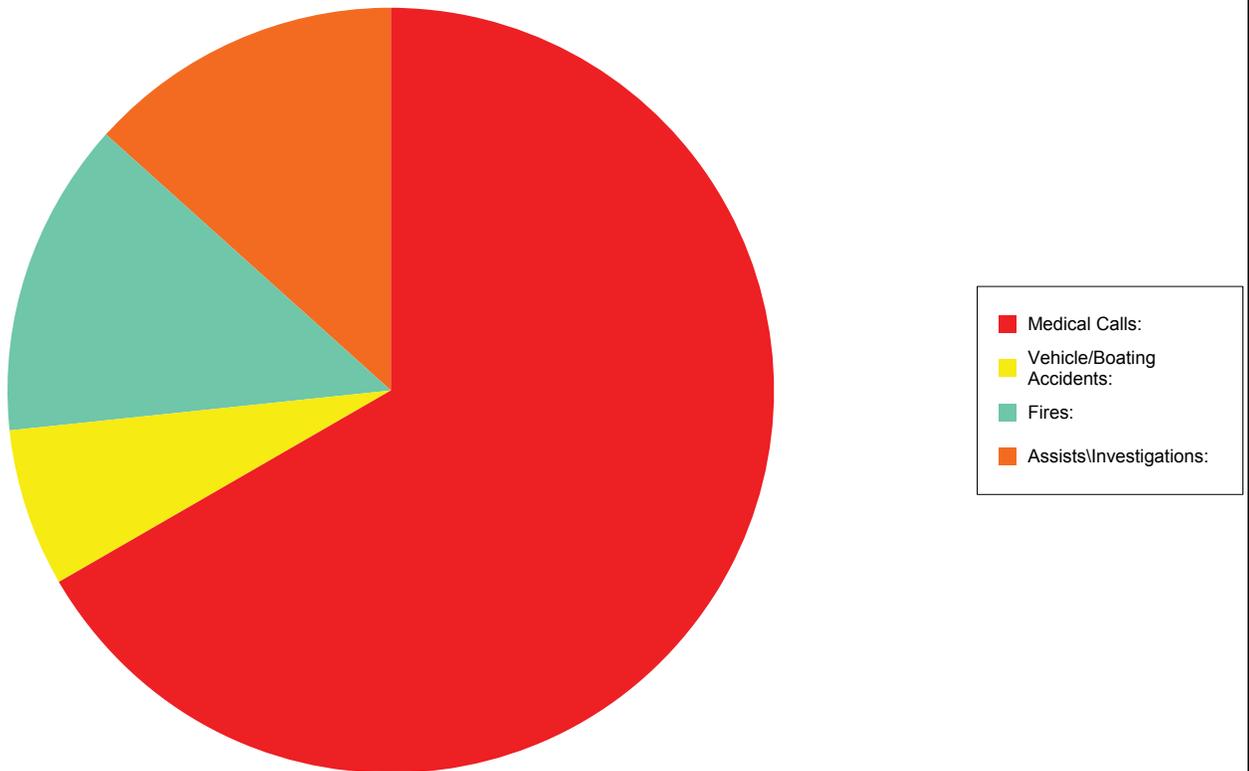
# Palm Beach County Fire Rescue

## Loxahatchee Groves - # of Calls by Type

20151001 to 20151031

<u>Type - Situation Dispatched</u>	<u># of Incidents</u>
Medical Calls:	30
Vehicle/Boating Accidents:	3
Fires:	6
Assists\Investigations:	6
<b>Total number of Events:</b>	<b>45</b>

### Calls by Situation Dispatched





## Palm Beach County Fire Rescue

### Loxahatchee Groves Response Time Report

20151001 to 20151031

11/17/2015

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Oncene	Close	Disp Hand	Turnout	Travel	Resp Time*
<b>Emergency Calls:</b>													
F15151776	21	CASEY RD LOX	10/02/2015		12:25:35	12:25:47	12:26:23	12:30:19	13:15:38	0:00:37	0:00:36	0:03:56	0:05:09
F15153002	21	SOUTHERN BLVD PBC	10/04/2015	17:00:15	17:00:40	17:00:47	17:01:08	17:05:44	17:40:06	0:00:32	0:00:21	0:04:36	0:05:29
F15153140	21	OKEECHOBEE BLVD LOX	10/04/2015	21:38:08	21:38:40	21:38:48	21:39:49	21:42:58	21:53:54	0:00:40	0:01:01	0:03:09	0:04:50
F15153349	21	D RD LOX	10/05/2015	10:43:40	10:43:57	10:44:16	10:45:07	10:51:37	11:46:02	0:00:36	0:00:51	0:06:30	0:07:57
F15153505	26	NORTH RD LOX	10/05/2015	15:22:03	15:22:23	15:22:27	15:23:00	15:28:59	16:44:32	0:00:24	0:00:33	0:05:59	0:06:56
F15153674	21	OKEECHOBEE BLVD LOX	10/05/2015	20:17:07	20:17:21	20:17:30	20:18:24	20:22:23	20:36:36	0:00:23	0:00:54	0:03:59	0:05:16
F15154701	21	D RD LOX	10/07/2015	17:26:28	17:26:56	17:27:00	17:27:52	17:36:37	17:54:10	0:00:32	0:00:52	0:08:45	0:10:09
F15154755	21	TANGERINE DR LOX	10/07/2015		19:25:23	19:25:30	19:26:03	19:31:51	20:04:52	0:00:32	0:00:33	0:05:48	0:06:53
F15154851	21	OKEECHOBEE BLVD/D RD LOX	10/07/2015	23:40:14	23:40:42	23:40:54	23:41:37	23:47:25	23:50:19	0:00:40	0:00:43	0:05:48	0:07:11
F15155001	21	COLLECTING CANAL RD LOX	10/08/2015		09:34:19	09:34:29	09:35:11	09:41:41	10:16:46	0:00:35	0:00:42	0:06:30	0:07:47
F15156591	21	NORTH RD LOX	10/11/2015	02:31:33	02:31:59	02:32:05	02:33:00	02:42:58	02:56:03	0:00:32	0:00:55	0:09:58	0:11:25
F15156742	21	CASEY RD LOX	10/11/2015		10:32:13	10:32:23	10:33:04	10:38:22	11:17:58	0:00:35	0:00:41	0:05:18	0:06:34
F15159102	21	OKEECHOBEE BLVD/B RD LOX	10/15/2015		14:36:57	14:37:08	14:37:16	14:39:45	15:27:16	0:00:36	0:00:08	0:02:29	0:03:13
F15160299	21	SOUTHERN BLVD LOX	10/17/2015		16:45:02	16:45:10	16:45:49	16:52:40	17:27:59	0:00:33	0:00:39	0:06:51	0:08:03
F15160607	26	NORTH RD LOX	10/18/2015		05:15:58	05:16:05	05:18:11	05:24:46	06:14:33	0:00:32	0:02:06	0:06:35	0:09:13
F15160617	21	CASEY RD LOX	10/18/2015	06:14:09	06:16:33	06:16:41	06:17:22	06:23:28	06:35:41	0:02:32	0:00:41	0:06:06	0:09:19
F15160905	20	STATE ROAD 80 LOX	10/18/2015		16:49:23	16:49:44	16:50:42	16:55:29	17:30:24	0:00:46	0:00:58	0:04:47	0:06:31
F15161836	21	TANGERINE DR LOX	10/20/2015		12:24:24	12:25:10	12:25:20	12:26:43	12:31:03	0:00:56	0:01:23	0:04:20	0:06:39
F15161946	21	OKEECHOBEE BLVD/C RD LOX	10/20/2015	15:34:24	15:34:41	15:35:00	15:35:51	15:39:03	16:13:18	0:00:36	0:00:51	0:03:12	0:04:39
F15162000	21	E CITRUS DR LOX	10/20/2015	17:22:33	17:22:51	17:23:01	17:24:17	17:31:57	17:56:24	0:00:28	0:01:16	0:07:40	0:09:24
F15162193	21	F RD LOX	10/21/2015	02:35:06	02:35:44	02:35:51	02:37:08	02:43:40	03:21:21	0:00:45	0:01:17	0:06:32	0:08:34
F15162731	21	F RD LOX	10/22/2015	01:15:42	01:17:00	01:17:06	01:18:10	01:23:02	03:53:35	0:01:24	0:01:04	0:04:52	0:07:20
F15162745	21	F RD LOX	10/22/2015	02:40:38	02:40:56	02:41:05	02:42:19	02:50:21	03:22:14	0:00:27	0:01:14	0:08:02	0:09:43
F15162767	21	F RD LOX	10/22/2015	04:48:35	04:48:44	04:51:09	04:54:39	04:58:21	04:58:21	0:00:34	0:02:25	0:03:30	0:06:29
F15162966	21	F RD LOX	10/22/2015	13:21:08	13:22:28	13:22:37	13:23:38	13:28:21	13:41:54	0:01:29	0:01:01	0:04:43	0:07:13
F15162999	21	F RD LOX	10/22/2015	14:07:13	14:07:43	14:08:22	14:13:35	16:31:15	0:00:55	0:00:39	0:05:13	0:06:47	
F15163131	21	B RD LOX	10/22/2015	17:59:11	18:00:08	18:00:20	18:01:11	18:02:41	19:25:29	0:01:09	0:00:51	0:01:30	0:03:30
F15163246	21	A RD LOX	10/22/2015	23:07:16	23:07:33	23:07:38	23:08:41	23:13:16	00:09:48	0:00:22	0:01:03	0:04:35	0:06:00
F15163308	21	BRYAN RD LOX	10/23/2015	03:45:03	03:45:18	03:45:25	03:46:16	03:52:13	04:28:32	0:00:22	0:00:51	0:05:57	0:07:10

Created by Jill Gregory on 10/08/2008 (updated 05/23/2012)  
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11/17/2015

## Palm Beach County Fire Rescue

### Loxahatchee Groves Response Time Report

20151001 to 20151031

Event #	Station	Location of Event	Date	Received	Entered	Dispatch	Enroute	Oncene	Close	Disp Hand	Turnout	Travel	Resp Time*
F15163554	21	C RD LOX	10/23/2015		14:04:04	14:04:14	14:04:56	14:10:39	14:54:38	0:00:35	0:00:42	0:05:43	0:07:00
F15163836	21	23RD CT N LOX	10/24/2015	00:42:50	00:43:13	00:43:17	00:44:55	00:48:39	01:02:48	0:00:27	0:01:38	0:03:44	0:05:49
F15163840	21	D RD/TANGERINE DR LOX	10/24/2015		01:01:23	01:01:27	01:02:31	01:07:20	01:51:41	0:00:29	0:01:04	0:04:49	0:06:22
F15163929	21	F RD LOX	10/24/2015		07:32:02	07:32:12	07:32:41	07:39:53	08:49:46	0:00:35	0:00:29	0:07:12	0:08:16
F15164550	21	BRYAN RD LOX	10/25/2015	12:39:17	12:39:36	12:39:44	12:40:23	12:43:55	13:11:50	0:00:27	0:00:39	0:03:32	0:04:38
F15164946	26	NORTH RD LOX	10/26/2015	08:24:13	08:24:27	08:24:34	08:25:24	08:31:48	09:06:35	0:00:21	0:00:50	0:06:24	0:07:35
F15166327	21	OKEECHOBEE BLVD LOX	10/28/2015		17:39:50	17:40:06	17:40:48	17:43:02	17:58:56	0:00:41	0:00:42	0:02:14	0:03:37
F15167007	20	COLLECTING CANAL RD LOX	10/29/2015	19:16:00	19:16:21	19:16:27	19:17:18	19:23:04	20:01:12	0:00:27	0:00:51	0:05:46	0:07:04
F15167254	21	F RD LOX	10/30/2015		09:30:17	09:30:25	09:30:52	09:34:10	09:56:22	0:00:33	0:00:27	0:03:18	0:04:18
<b>Average Response Times:</b>										<b>0:00:40</b>	<b>0:00:54</b>	<b>0:05:16</b>	<b>0:06:50</b>

**Non Emergency Calls:**

F15152306	20	COLLECTING CANAL RD LOX	10/03/2015		11:18:58	11:19:18	11:20:10	11:27:17	11:35:55	0:00:45	0:00:52	0:07:07	0:08:44
F15159512	21	D RD LOX	10/16/2015		09:38:19	09:38:46	09:40:13	09:50:56	10:13:17	0:00:52	0:01:27	0:10:43	0:13:02
F15165325	21	COLLECTING CANAL RD/C RD LOX	10/26/2015		20:00:29	20:00:35	20:02:38	20:11:33	21:31:39	0:00:31	0:02:03	0:08:55	0:11:29
F15165914	21	NORTH RD LOX	10/27/2015	22:43:46	22:44:07	22:44:13	22:45:02	22:54:26	23:05:25	0:00:27	0:00:49	0:09:24	0:10:40
F15168134	21	OKEECHOBEE BLVD/D RD LOX	10/31/2015		17:19:36	17:19:45	17:19:46	17:20:03	18:03:43	0:00:34	0:00:01	0:00:17	0:00:52

**Corrupt Data:**

F15162834	21	F RD LOX	10/22/2015		09:09:26	09:10:04	09:11:36	09:11:14	09:45:42	Enroute Time is greater than Oncene Time		
F15162775	21	F RD LOX	10/22/2015		05:28:37	05:30:51			05:31:45	Empty Time Fields		

**Total number of Events: 45**

\*Represents call received to arrival. If there is no received time, the County annual average call received to call entered time is used.

Created by Jill Gregory on 10/08/2008 (updated 05/23/2012)

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11/17/2015

# Palm Beach County Fire Rescue

## Loxahatchee Groves - # of Calls by Situation Disp

### 20151001 to 20151031

<u>Situation Dispatched</u>	<u># of Events</u>
Difficulty Breathing:	8
Brush Fires:	6
Vehicle Accidents:	4
Investigation:	3
Fainting/Syncope:	3
Sick Person:	3
Fall:	2
Overdose/Intoxication:	2
Assault:	2
Traumatic Injuries:	2
Public Assist:	1
Illegal Burn:	1
Child locked in Car:	1
Cardiac/Respiratory Arrest:	1
Unconscious:	1
Diabetic:	1
Unknown Medical:	1
128	1
141	1
460	1
641	1
910	1
<b>Total number of Events:</b>	<b>47</b>

**District 15 Loxahatchee Groves**

**Monthly Report: October 2015**



<b>Calls for Service (self-generated)</b>	<b>Monthly</b>
Business/Residence Checks	101
Traffic Stops	9
Dispatched calls	184
<b>Total</b>	<b>294</b>

<b>Traffic</b>	<b>Monthly</b>
Warnings	3
Citations	6
<b>Totals</b>	<b>9</b>

**Summary:** During the month, D15 deputies handled (294) calls for service. 38% of calls for service were self-generated.

<b>Part I Crimes Case #'s</b>	<b>Monthly</b>
Murder	0
Sexual Assault	0
Robbery	0
Aggravated Assault	1
Burglary	4
Theft	0
Motor Vehicle Theft	0
Arson	0
<b>Total</b>	<b>5</b>

**Summary:**

- 15-129501- On 10-5-15 a burglary to a business was reported a Gas pump was taken. It was discovered the pump was found and placed into evidence. Information was given to the victim, case cleared.
- 15-133170- On 10-16-15 a burglary to a business was reported, a shed was broken into a golf cart charger and other hand tools were reported missing, an attempt of theft of farm equipment

was unsuccessful. An attempt of fingerprints was taken. The case is inactive pending further leads.

- 15-133663- On 10-17-15 a burglary was reported to a residence, a pressure washer, weed trimmer, blower, wheel barrel, and cordless drill were missing. The items were taken from a tented portable shelter which is only secured with a zipper. This case is inactive pending further information.

- 15-136884- On 10-24-15 a delayed burglary to a business was reported, an Orange Kubota RTV was taken from a shed. No prints or DNA was available to recover. This case is inactive pending further information.

# Town of Loxahatchee Groves, FLORIDA Town Council AGENDA ITEM REPORT

## AGENDA ITEM NO. 8.d.

MEETING DATE: 12/01/2015

**PREPARED BY:** Perla D. Underwood

**SUBJECT:** 140<sup>th</sup> Avenue N/Sun Sport Cut-through Removal from Gas Tax Reporting

### 1. BACKGROUND/HISTORY

**Problem Statement:** Town Council requested staff review the exclusion of 140<sup>th</sup> Avenue N Sun Sport Cut-through from the Gas Tax Report as part of the Town Roads.

**Problem Solution:** Report Staff review.

140<sup>th</sup> Avenue N, Sun Sport Cut-Through (.010 miles) was not identified as a public Town Road by the County. That portion of the Sun Sport Cut-through representing (.010 miles representing 52.8 feet) identified by PBC is correct as that 52.8 feet is outside the corporate limits of the Town and is a part of the greater unincorporated area of Palm Beach County.

### 2. CURRENT ACTIVITY

40<sup>th</sup> Street North representing 1.462 miles is part of the Town Road Mileage list and a portion of this road segment includes that area starting at the entrance of Sun Sport Garden and runs east to the County line (west side of 140<sup>th</sup> Avenue North).

### 3. ATTACHMENTS

- Aerial Map of the identified segment removed.
- PBC Property Appraiser Map identifying the unincorporated segment of 40<sup>th</sup> Street N (Cut-through)
- LGWCD Town Road Maintenance Log identifying mileage for 140<sup>th</sup> Street N as the Cut-through/Sun Sport, and 40<sup>th</sup> Street N.

### 4. FINANCIAL IMPACT

The removal of 140<sup>th</sup> Avenue N/Sun Sport Cut-through represents a reduction of 52.8 feet from the Local Mileage Report.

### 5. RECOMMENDED ACTION

Approve the data as originally recommended as provided by PBC OIG and Engineering Department, and authorize the Town Manager to submit the Report was required to the Florida Department of Transportation that include the identified roads, and mileage totals of 56.637 road miles (113.27 lane miles).



140th Avenue N

- Search
- Tools
- Layers
- Print
- Messages



*UNINCORPORATED PBC*

Instructional Videos

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT  
TOWN ROAD MAINTENANCE LOG**

**NOVEMBER 2013**

TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
10TH PLACE NORTH	BLOCK B	0.081		110.00	0.00
11TH LANE NORTH	BLOCK F	0.351	1	110.00	38.61
11TH TERRACE	BLOCK C	0.244	1	110.00	26.84
12TH PLACE NORTH	BLOCK E	0.197	1	110.00	21.67
131ST TERRACE NORTH	BLOCK F	0.147	1	110.00	16.17
13TH PLACE NORTH	BLOCK F (FOLSOM)	0.282		110.00	0.00
13TH PLACE NORTH	BLOCK F (F ROAD)	0.166		110.00	0.00
140TH STREET NORTH	CUT - THUR / SUNSPORT	0.010		110.00	0.00
145TH AVENUE NORTH	T: 43S / R: 41E	0.457	1	110.00	50.27
147TH AVENUE NORTH	BLOCK C	0.126	1	110.00	13.86
147TH DRIVE NORTH	BLOCK C	0.115		110.00	0.00
148TH TERRACE N	T: 43S / R: 41E	0.339	1	110.00	37.29
149TH AVENUE NORTH	BLOCK I	0.126		110.00	0.00
14TH PLACE NORTH	BLOCK E	0.257	1	110.00	28.27
152ND WAY NORTH	BLOCK B	0.068		110.00	0.00
160TH STREET NORTH	T: 43S / R: 41E	0.394	2	110.00	86.68
161ST TERRACE NORTH	T: 43S / R: 40E	2.014	1	110.00	221.54
17TH ROAD NORTH	BLOCK B	0.076		110.00	0.00
21ST ROAD NORTH	BLOCK C	0.126		110.00	0.00
22ND COURT NORTH	BLOCK F	0.292		110.00	0.00
22ND ROAD NORTH	BLOCK C (C ROAD)	0.248	2	110.00	54.56
22ND ROAD NORTH	BLOCK E (E ROAD)	0.156	1	110.00	17.16
22ND ROAD NORTH	BLOCK F (F ROAD)	0.210	1	110.00	23.10
23RD COURT NORTH	BLOCK E	0.189	1	110.00	20.79

**LOXAHATCHEE GROVES WATER CONTROL DISTRICT  
TOWN ROAD MAINTENANCE LOG**

**NOVEMBER 2013**

TOWN ROAD NAME	PLAT DESIGNATION	MILEAGE	GRADES	UNIT COST	EXTENDED
24TH CIRCLE NORTH	BLOCK C	0.177	1	110.00	19.47
24TH COURT NORTH	BLOCK C (C ROAD)	0.282		110.00	0.00
24TH COURT NORTH	BLOCK D (E ROAD)	0.194	1	110.00	21.34
24TH COURT NORTH	BLOCK E (WEST F)	0.250	1	110.00	27.50
24TH COURT NORTH	BLOCK F (EAST F)	0.406	1	110.00	44.66
25TH PLACE NORTH	BLOCK B (C ROAD)	0.136	1	110.00	14.96
25TH PLACE NORTH	BLOCK C (D ROAD)	0.145		110.00	0.00
27TH LANE NORTH	BLOCK C	0.135		110.00	0.00
30TH COURT NORTH	BLOCK B (C ROAD)	0.141		110.00	0.00
30TH COURT NORTH	BLOCK D (D ROAD)	0.132		110.00	0.00
34TH PLACE NORTH	BLOCK C	0.135		110.00	0.00
35TH PLACE NORTH	BLOCK D	0.127		110.00	0.00
40TH STREET NORTH	T: 43S / R: 41E	1.462		110.00	0.00
41ST ROAD NORTH	T: 43S / R: 41E	0.068		110.00	0.00
42ND ROAD NORTH	T: 43S / R: 41E	0.153	1	110.00	16.83
42ND STREET NORTH	T: 43S / R: 41E	0.234	1	110.00	25.74
43RD ROAD NORTH	T: 43S / R: 41E (GLOBAL)	0.194	1	110.00	21.34
43RD ROAD NORTH	T: 43S / R: 41E (140TH)	0.394	1	110.00	43.34
44TH STREET NORTH	T: 43S / R: 41E	0.235	1	110.00	25.85
8TH PLACE NORTH	BLOCK C	0.319		110.00	0.00
APRIL DRIVE	BLOCK C	0.164	1	110.00	18.04
BIDDIX ROAD	BLOCK D	0.191	1	110.00	21.01
BRYAN ROAD	BLOCK F	0.749		110.00	0.00
BUNNY LANE	BLOCK C	0.244	1	110.00	26.84

**Town of Loxahatchee Groves, FLORIDA**  
**Town Council**  
**AGENDA ITEM REPORT**  
**AGENDA ITEM NO. 79.a.**

MEETING DATE: ~~10/20/2015~~ 12//1/2015

**PREPARED BY:** William F. Underwood, II, Town Manager

**SUBJECT: Resolution Approving a Zoning in Progress for RV Trailers in Residential Zone.**

**1.BACKGROUND/HISTORY**

**LEGISLATIVE HISTORY: Item removed from the 10/20/2015 agenda with no action. Staff to return with additional information attached hereto for the 12/1/2015 Agenda. Discussion of potential actions to be taken regarding RV's in the AR district.**

**Problem Statement:** The Town Council had significant problems with RV trailers squatting on residentially zoned property during the winter season that are unauthorized and negatively impact the resources of the Town, and Council needs a mechanism to manage the problem during the next 6 to 7 months.

**Problem Solution:** Adopt legislation that provides for a zoning in progress and authorizes the Town Manager to implement a temporary pilot program not exceeding 179 days and ending no later than May 1, 2016, that provides criteria within which some properties are authorized to host up to four (4) RV's.

**2.CURRENT ACTIVITY**

Would like to thank the following Loxahatchee Groves residents that helped staff develop this proposed Resolution for Town Council consideration:  
Betty Case, Katie Davis, Keith Harris, Dennis Lipp, Bill Louda, Phyllis Maniglia, Shannon Perez

**3.ATTACHMENTS**

**Update: Notes - RV Regulations**  
~~Resolution No. 2015-35~~

**4.FINANCIAL IMPACT**

Unknown amount of revenue and expenditures will be generated.

**5.RECOMMENDED ACTION**

A motion to approve Resolution 2015-35.

## RV Regulations

1. 5+ RVs = RV Park
  - a. Not permitted use in AR zoning
  - b. Regulated by state law and rules; requires permit: Chapter 513, F.S.
  - c. State laws and rules refer health matters to local health department
  - d. If discover, then:
    - i. Code Case for unpermitted use
    - ii. Refer to State of Florida
  
2. < 5 RVs
  - a. Not an RV Park under Florida Statutes
  - b. Not an “Accessory Dwelling Unit” as defined “Accessory dwelling unit” as defined in 20-010(A) [see (A)(5)]
  - c. 20-010(G)(e), ULDC Two can be stored without screening “provided that the vehicles are routinely operated/maintained by a permanent, full-time resident of the property.”
  - d. Per PBC Health Department, “Limited Use Public Drinking Water Systems” may be required, as well as evaluation and approval of onsite sewage systems
  - e. If discover:
    - i. Code Case for unpermitted use (not accessory structure, not merely stored)
    - ii. Report to County Health Department
  
3. Enforcement
  - a. Currently no proactive code, so requires written complaint to Town in order to investigate
  - b. Traditional Code Enforcement – currently used by Town
    - i. Courtesy Notice
    - ii. Notice of Violation/Hearing
    - iii. Hearing, with order to comply, more time and proposed fine (up to \$250 per day for an initial violation)
    - iv. Certification Hearing
    - v. If happens again, it’s a repeat subject to fines commencing the date the violation is observed up to \$500 per day.
  - c. Town could use Alternate Code Enforcement
    - i. Requires Ordinance to provide for specifics, including which violations can be addressed using this process, and the set fine amounts.
      1. Need to specify the violations subject to the process in a table, with corresponding fines
      2. Fines must be in a specific amount, and can be escalating
    - ii. Requires use of specific forms, with statutorily required information
    - iii. The process is:
      1. Notice and opportunity to correct with time no greater than 30 days (no time to cure if a repeat violation, a “serious threat to the public health, safety, or welfare’ or if violation irreparable or irreversible).

2. If not corrected in the time provided, issue a citation.
  3. Original and one copy of the citation deposited in County Court.
  4. Upon receipt, respondent can pay the fine or request a hearing.
  5. If a hearing is requested:
    - a. Hearing in county court
    - b. Recommend attorney presence
- d. Notice to Appear
- i. Notice and opportunity to correct with time no greater than 30 days (no time to cure if a repeat violation, a “serious threat to the public health, safety, or welfare”, an itinerant or transient as defined by the code, or if violation irreparable or irreversible).
  - ii. Direct court hearing on the violation
  - iii. Would require ordinance and development of forms
- e. Pressure State and County agencies to enforce their regulations

## ARTICLE VIII. - HOUSING STANDARDS

## DIVISION 1. - GENERALLY

## Sec. 21-206. - Definitions.

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

*Approved* shall mean constructed, installed and maintained in accordance with the provisions of this article and other pertinent provisions of this Code and ordinances of the Town and with rules and regulations adopted pursuant thereto.

*Code Enforcement Board* shall mean the Town of Jupiter Code Enforcement Board as described and defined in Chapter 8 of the Town Code.

*Code Enforcement Officer* shall mean any designated or authorized employee or agent of the Town whose duty it is to enforce or assure compliance with codes and ordinances enacted by the Town. This definition includes, without limitation, those agents and employees of the Town having the job titles or employee designation as compliance officer, building official or designee of the building official.

*Disabled or handicapped person* means an individual that qualifies as disabled and/or handicapped under the Fair Housing Act (FHA) and/or Americans with Disabilities Act (ADA).

*Dwelling* shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto and enjoyed therewith.

*Dwelling unit* shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

*Dwelling, dwelling unit, rooming house, rooming unit, premises* shall be construed as though they were followed by the words "or any part thereof."

*Extermination* shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination method.

*Family* is one or more persons occupying a single housekeeping unit and using common cooking facilities; provided that unless all members are related by blood or marriage, no such family shall contain over five persons.

*Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooling and consumption of food.

*Habitable room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets or storage spaces.

*Illegal commercial kitchen* shall mean the use of a residential dwelling unit which is operated by one or more persons who use or operate either a conventional stove, or one or more open stand burners, or both, either inside or outside the residential dwelling unit to prepare food for multiple meals, or to store the food prepared, which is then distributed for consumption by individuals on- or off-site.

*Infestation* shall mean the presence, within or around a dwelling, of any noxious insects, rodents or other pests.

*Let for occupancy or let* shall mean to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Licensed service provider* means those entities or individuals as defined in F.S. § 397.311(17), as amended from time to time.

*Multiple dwelling* shall mean any dwelling containing more than two dwelling units.

*Occupant* shall mean any person, over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

*Owner* shall mean any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Plumbing* shall mean and include all of the following supplied facilities and equipment. Gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

*Premises* shall mean a platted lot or part thereof or unplotted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure.

*Qualifying entity* shall mean a licensed service provider in the State of Florida as defined in F.S. § 397.311(18).

*Rooming unit* shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Rooming house* shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the occupant to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the occupant.

*Rubbish* shall mean all household trash and waste materials, except garbage; and the term shall include the residue from burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust. Such materials are distinguished from garden trash, which term includes accumulation of grass, tree or shrubbery cuttings and other refuse incident to the care of lawns, shrubbery, vines and trees.

*Single-unit dwelling* shall mean a dwelling occupied by one family alone.

*Sober house transitional living home* shall mean a residential home that provides a peer-supported and managed alcohol-free and drug-free living environment. In order to operate, advertise or promote a residence as a sober house transitional living home, it must have the following components: an on-site house manager who ensures that a sober living environment is maintained; be operated as the functional equivalent of a family which may include shared responsibilities for meals, household upkeep, and other duties; require that the residents thereof shall attend a required number of organized sobriety and/or drug free support group meetings outside the sober house transitional living home; attend day or night treatment at a licensed service provider; and maintain a structure of peer support for those residents occupying the home, which may include one or more weekly "house" meetings of the residents with or without the house manager.

*Supplied* shall mean paid for, furnished or provided by or under the control of the owner or operator, their agents and/or representatives.

*Water closet* shall mean a toilet, with a bowl and trap made in one piece, which is connected to the Town water and sewer system or other approved water supply and sewer system.

*Workmanlike* shall mean executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

(Code 1975, § 6-8.700(2); Ord. No. 6-04, § 1, 5-4-04; Ord. No. 11-13, § 2, 4-16-13; Ord. No. 27-14, § 2, 8-7-14)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 21-207. - Purpose and authority.

The regulations in this article are intended to reasonably regulate the safety and occupancy of dwelling units. The Town finds that occupancy regulations are needed to provide density control; preserve, and enhance residential neighborhoods as stable places for citizens to live, and to protect the safety and welfare of Town citizens. Such regulations are also needed to insure there are adequate public and private facilities, and that dwelling units are of adequate size to accommodate residents. These regulations are in pursuance of the authority granted by the Charter and laws of the Town to maintain the health and cleanliness of the Town and to ensure good sanitary conditions in private premises in the Town by establishing minimum housing standards for habitable buildings within the jurisdiction of the Town. This article is further declared to be required for reasons of public health, welfare and safety and allows for the inspection of and the condemnation of dwellings unfit for human habitation and for fixing penalties for violations.

(Code 1975, § 6-8.700(3); Ord. No. 6-04, § 1, 5-4-04)

Sec. 21-208. - Scope and applicability of division.

Every building used in whole or in part as a dwelling unit or as two or more dwelling units shall conform to the requirements of this article, irrespective of the class to which such building may otherwise belong, and irrespective of when such building may have been constructed, altered or repaired. No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this article.

(Code 1975, § 6-8.700(4); Ord. No. 6-04, § 1, 5-4-04)

Sec. 21-209. - Responsibility of occupant.

(a) The responsibilities of the occupant are to:

- (1) Keep dwellings and premises he controls and occupies in a clean and sanitary condition.
  - (2) To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by Town regulation.
  - (3) To hang and maintain screens provided by the owner except where owner has agreed to supply such services.
  - (4) To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof.
  - (5) To exterminate in the following cases:
    - a. The occupant of a single dwelling is responsible for extermination of any insects, rodents or other pests therein or on the premises.
    - b. The occupant of a dwelling unit in a multiple-unit structure is responsible for extermination of any insects, rodents or other pests if his unit is the only unit infested.
    - c. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a rat proof or reasonably insect proof condition, the occupant is not responsible for extermination of any insects, rodents or other pests therein.
  - (6) Occupy no dwelling which does not comply with the minimum standards as set forth in section 21-254.
  - (7) The occupant's refusal to allow Code Compliance and/or Law Enforcement Officers reasonable access to any dwelling shall be construed as prima facie evidence that the occupant is in violation of one or more parts of this section.
- (b) Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a ratproof or reasonably insectproof condition, the occupant is not responsible for extermination of any insects, rodents or other pests therein.
- (c) Owners, or if leased, the occupants of a residential dwelling unit are prohibited from operating or allowing others to operate an illegal kitchen within the residential dwelling unit, its garage, carport, or other accessory structure, or the front, back or side yards, or otherwise upon a property owner's premises. This prohibition includes, but is not limited to:
- (1) Cooking or other food preparation for multiple meals to be distributed and consumed on- or off-site, whether or not compensation is exchanged for same on- or off-site.
  - (2) The temporary storage of food whether prepared or not within a residential dwelling unit, its garage, carport, or other accessory structure, or the front, back or side yards, or otherwise upon a property owner's premises.

(3) The assembly of meals and the open storage or storage in containers temporarily, or otherwise on site pending the distribution of the food or meals on- or off-site.

(4) The loading of containers of meals or food in vehicles for distribution off-site.

(Code 1975, § 6-8.700(10); Ord. No. 6-04, § 1, 5-4-04; Ord. No. 27-05, § 2, 9-20-05; Ord. No. 11-13, § 3, 4-16-13)

Sec. 21-210. - Responsibility of the owner.

The responsibilities of the owner are to:

(1) Let no dwelling to anyone for occupancy unless it meets minimum standards set forth in sections 21-246 through 21-254.

(2) Have the dwelling in clean, sanitary, habitable condition; to free from infestation before renting; to provide suitable wall coverings and ceilings; and to clean, repair and exterminate if needed to meet forestated requirements before offering for rent.

(3) Provide screens to be hung.

(4) Exterminate in the following cases:

a. When infestation exists in two or more units of multiple-unit structures.

b. When infestation exists in shared or public areas of multiple units structures.

c. When infestation exists in a single unit of a multiple-unit structure or in a single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a rat proof and reasonably insect proof condition.

(5) The owner's refusal to allow Code Compliance and/or Law Enforcement Officers reasonable access to any dwelling, shall be construed as prima facie evidence that the owner is in violation of one or more parts of this section.

(6) Prohibit the occupants of residential dwelling units from operating or allowing others to operate an illegal kitchen within a property owner's residential dwelling unit, garage, carport, front, back or side yards, or otherwise upon the premises. This prohibition includes, but is not limited to:

(1) Cooking or other food preparation for multiple meals to be distributed and consumed off-site, whether or not compensation is exchanged for same on- or off-site.

(2) The temporary storage of food within a residential dwelling unit, its garage, carport, or other accessory structure, or the front, back or side yards, or otherwise upon the premises.

(3) The assembly of meals and the open storage or storage in containers temporarily, or otherwise on site pending the distribution of the food or meals off-site.

(4) The loading of containers of meals or food in vehicles for distribution off-site.

(Code 1975, § 6-8.700(11); Ord. No. 6-04, § 1, 5-4-04; Ord. No. 27-05, § 2, 9-20-05; Ord. No. 11-13, § 4, 4-16-13)

Secs. 21-211—21-225. - Reserved.

DIVISION 2. - ADMINISTRATION<sup>(7)</sup>

*Footnotes:*

--- (7) ---

**Cross reference**— *Administration, ch. 2.*

## Sec. 21-226. - Enforcement of article.

- (a) The standards set out in this article shall be enforced by the Code Enforcement Officer, unless some other official is charged with the enforcement of specific sections of provisions of this article. The Code Enforcement Officer, shall determine whether buildings used in whole or in part for purposes of human habitation conform to the requirements of this article. If the Code Enforcement Officer determines that any such building does not conform to this article, he shall cause the owner to be notified in writing of the manner in which such building does not conform, and the time that the owner shall have from the issuance of such notice in which to remedy the conditions therein specified; provided that the Code Enforcement Officer may, in his discretion, extend the time for compliance with any such notice; and provided, further, that no owner shall be held responsible for any condition that is not specifically described in such notice.
- (b) The Code Enforcement Officer is granted the right of entry in the performance of his duties.  
(Code 1975, § 6-8.700(15); Ord. No. 6-04, § 1, 5-4-04)

## Sec. 21-227. - Code enforcement and citation system.

The Code Enforcement Board of the Town of Jupiter is empowered to hear violations issued in accordance with the provisions of Chapter 8 of this Code.

(Code 1975, § 6-8.700(16); Ord. No. 6-04, § 1, 5-4-04)

## Secs. 21-228—21-245. - Reserved.

## DIVISION 3. - MINIMUM STANDARDS

## Sec. 21-246. - Lighting.

- (a) Every habitable room in such dwelling shall contain at least two separate wall-type electric outlets, or one such outlet and one supplied ceiling-type electric light fixture; and every bathroom, laundry room, furnace room and common hall shall contain at least one ceiling or wall-type electric light fixture. Every such outlet and fixture shall be in working condition and installed in accordance with the requirements of the electric code of the Town. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of a room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.
- (b) Every common hall and stairway in residential occupancies, other than in one-and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.
- (c) Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(Code 1975, § 6-8.700(5); Ord. No. 6-04, § 1, 5-4-04)

## Sec. 21-247. - Ventilation.

- (a) Every habitable room shall have at least one window or skylight opening directly to the outdoors which can easily be opened, or such other device as will adequately ventilate the room. The minimum total openable window area in every habitable room shall be equal to 45 percent of the minimum total window area required in section 21-246. When walls or other portions of structures face a window and are located less than three feet from the window and extend to a level above that of the ceiling of the room so as to be a light obstruction feature, such window shall not be included as contributing to the required minimum total window area.
- (b) Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 21-247, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(Code 1975, § 6-8.700(6); Ord. No. 6-04, § 1, 5-4-04)

## Sec. 21-248. - Basic equipment and facilities.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

- (1) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system.
- (2) Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system.
- (3) Every dwelling unit shall contain, within a room which affords privacy to a person within such room, a bathtub or shower in good working condition and properly connected to a water and sewer system.
- (4) Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of subsections (1), (2), and (3) of this section shall be properly connected with both hot and cold water lines.
- (5) Every dwelling unit shall be supplied with adequate rubbish storage facilities.
- (6) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.
- (7) Every dwelling shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of subsection (4) of this section, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provision of subsection (4) of this section are not in operation.

(Code 1975, § 6-8.700(7); Ord. No. 6-04, § 1, 5-4-04)

## Sec. 21-249. - Reserved.

## Sec. 21-250. - Egress.

Every dwelling unit shall have safe, unobstructed means of egress to a safe and open space at ground level.

(Code 1975, § 6-8.700(9); Ord. No. 6-04, § 1, 5-4-04)

Sec. 21-251. - Condition of structure.

- (a) All dwelling structures shall be watertight, weatherproof, rodent proof, insect proof and in good repair.
- (b) Every foundation, exterior wall and roof shall be reasonably watertight, weathertight and rodent proof; shall adequately support the building at all times; and shall be in a workmanlike state of maintenance and repair.
- (c) Every interior partition, wall, floor and ceiling shall be reasonably tight, capable of affording privacy, and maintained in a workmanlike state of repair and in a clean and sanitary condition.
- (d) All rainwater shall be so drained and conveyed from every roof; and the lot shall be so graded and drained as not to cause dampness in the walls, ceilings, floors or basement of the dwelling.
- (e) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodent proof, and shall be maintained in sound condition and repair.
- (f) Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and it shall be maintained in sound condition and repair.
- (g) Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in a sanitary working condition, free from defect, leaks and obstruction.
- (h) Every toilet, bathroom and kitchen floor shall be constructed and maintained so as to be reasonably impervious to water; and such floor shall be kept in a clean and sanitary condition.
- (i) Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.
- (j) Every supplied facility, piece of equipment or utility which is required under this article shall be so constructed and installed that it will function safely and effectively, and shall be maintained in good working condition.

(Code 1975, § 6-8.700(12); Ord. No. 6-04, § 1, 5-4-04)

Sec. 21-252. - Rubbish and garbage storage and disposal.

No dwelling unit shall be deemed to comply with the requirements of this article relating to rubbish and garbage storage and disposal unless:

- (1) Rubbish stored outdoors is stored in one or more rubbish storage boxes or containers which are flytight, rodent proof, nonflammable and reasonably waterproof.
- (2) Rubbish stored in the basement or cellar, or in an enclosed structure such as a shed, is stored in nonflammable containers.
- (3) No loose rubbish or garbage is placed upon or strewn about on the floor of any basement or cellar or other part of any dwelling, or on the ground surrounding or under any dwelling.
- (4) Every outside garbage storage container is so maintained and so located on the premises that no odors will permeate any dwelling or dwelling units.

(Code 1975, § 6-8.700(14); Ord. No. 6-04, § 1, 5-4-04)

## Sec. 21-253. - Roominghouses.

- (a) No person shall operate a roominghouse or shall let to another for occupancy any room unless such roominghouse or room complies with the following requirements, in addition to those comprising sections 21-246 through 21-251:
- (1) Every roominghouse shall be equipped with at least one flush water closet, one lavatory and one tub or shower for each six adults or fraction thereof within the roominghouse, including members of the family if they are to share the use of the facilities. In roominghouses in which rooms are let only to males, flush urinals may be substituted for not more than half the required number of water closets. All such facilities shall be properly connected to the water supply and sewer system.
  - (2) Every flush water closet, flush urinal, lavatory, tub or shower required above shall be located within the roominghouse in a room, which:
    - a. Affords privacy.
    - b. Is accessible by a common hall without going outside the roominghouse.
    - c. Is accessible from a common hall without going through sleeping quarters of others.
    - d. Is not more than one story removed from the room of an occupant intended to share the facilities.
  - (3) Where bedding, bed linen or towels are supplied, the operator shall maintain the bedding in a clean and sanitary manner, and shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to an occupant.
  - (4) Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.
- (b) Every provision of this article which applies to roominghouses shall also apply to hotels, except to the extent that any such provision may be found to be in conflict with the laws of this state or with the lawful regulations of any state board or agency.

(Code 1975, § 6-8.700(13); Ord. No. 6-04, § 1, 5-4-04)

## Sec. 21-254. - Occupancy limitations.

- (a) Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.
- (b) A habitable room, other than a kitchen, shall be not less than seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counterfronts and appliances or counterfronts and wall.
- (c) Habitable spaces, hallways, corridors, laundry areas, bathrooms and toilet rooms shall have a clear ceiling height of not less than seven feet (2,134 mm).

Exceptions to these requirements shall be as follows:

- (1) In one-and two-family dwellings, beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height.
- (2)

Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524 mm) or more shall be included.

- (d) Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof. This provision shall not apply to bedrooms used exclusively by minor children (up to the age of 18) provided all other provisions of this chapter are met.
- (e) Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exceptions to this requirement shall be for those units that contain fewer than two bedrooms.
- (f) Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story. Every dwelling unit shall be equipped with at least one flush water closet, one lavatory and one tub or shower for each six persons or fraction thereof.
- (g) Kitchens, living rooms, dining rooms and nonhabitable spaces shall not be counted as sleeping area.
- (h) Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 1.

TABLE 1  
MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1—2 occupants	3—5 occupants	6 or more occupants
Living room <sup>a,b</sup>	No requirements	120	150
Dining room <sup>a,b</sup>	No requirements	80	100
Bedrooms	Shall comply with <u>Section 21-254</u> , (d)—(j)		

For SI: One square foot = 0.093 m<sup>2</sup>

- a. See section 21-254(j) for combined living room/dining room spaces.
- b. See section 21-254(i) for limitations on determining the minimum occupancy area for sleeping purposes.

- c. The minimum area requirements may be modified to accommodate children as noted in section 21-254(d)
- (i) The minimum occupancy area required by Table 1 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with section 21-254(d) thru (g).
  - (j) Combined living room and dining room spaces shall comply with the requirements of Table 1 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.
  - (k) Nothing in this section shall prohibit an efficiency living unit which meets the following requirements:
    - (1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
    - (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
    - (3) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
    - (4) The maximum number of occupants shall be three.
  - (l) All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and service for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.
  - (m) The occupancy of a dwelling unit by more occupants than permitted as provided for herein shall, in and of itself be deemed to present a serious threat to the public health, safety and general welfare.
- (Ord. No. 6-04, § 1, 5-4-04; Ord. No. 27-05, § 2, 9-20-05)

#### Sec. 21-255. - Unlawful structure

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code or was erected, altered or occupied contrary to law. Such structures are deemed unfit for human occupancy and shall be vacated unless the number of occupants is reduced to meet the requirements of section 21-254. Failure of the owner to comply will cause the premises to be condemned and utility services terminated to the property pending compliance with this chapter.

(Ord. No. 6-04, § 1, 5-4-04)

Secs. 21-256—21-270. - Reserved.

#### DIVISION 4. - UNSAFE STRUCTURES<sup>(8)</sup>

*Footnotes:*

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**Cross reference**— *Nuisances, ch. 13.*

#### Sec. 21-271. - Unsafe dwellings or structures.

Unsafe dwellings or structures shall be abated in accordance with the requirements of the Florida

Building Code as amended.

(Code 1975, § 6-8.700(18); Ord. No. 6-04, § 1, 5-4-04)

Secs. 21-272—21-285. - Reserved.

Sec. 21-286. - Administrative liability.

No officer, agent, employee or board member of the Town shall be held personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this division. Any suit brought against any officer, agent, employee or board member of the Town as a result of any act required or permitted in the discharge of his duties under this division shall be defended by the Town Attorney until the final determination of the proceedings therein.

(Code 1975, § 6-8.700(33); Ord. No. 6-04, § 1, 5-4-04)

#### DIVISION 5. - REASONABLE ACCOMMODATION PROCEDURES

Sec. 21-287. - Intent.

This section is intended to implement the policy of the Town for processing applications for reasonable accommodations from the Town's housing standards, rules, policies, practices, and procedures for persons with disabilities or handicaps as provided for by the Fair Housing Act (42 U.S.C. 3601 et seq. (FHA) and Title II of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.) (ADA).

(Ord. No. 27-14, § 3, 8-7-14)

Sec. 21-288. - Application required.

A request by a disabled person or qualifying entity for a reasonable accommodation under this article, shall be made by submitting a written application on a form available in the Town's Building Department (the department). The person or, in some cases, the qualifying entity requesting an accommodation shall submit sufficient information to demonstrate the nature of the handicap or disability. No fee shall be imposed by the department in connection with a request for reasonable accommodation under this section.

(Ord. No. 27-14, § 3, 8-7-14)

Sec. 21-289. - Reasonable accommodation application requirements.

An application for a reasonable accommodation shall, at a minimum contain:

- (a) The code sections from which the applicant seeks a reasonable accommodation.
- (b) The legal name(s) of all individuals for whom a reasonable accommodation is sought, and if a qualifying entity the license held by the qualifying entity, and the legal names of all individual(s) for whom it has been authorized to submit an application.
- (c) Sufficient medical information, diagnosis, or records to enable the Town, or the Magistrate to conclude that the individual(s) seeking a reasonable accommodation, are handicapped or disabled. The Town shall endeavor to maintain medical information confidential to the extent permitted by law, however, the applicants must recognize that any records may be subject to disclosure under The Florida Public Records Act, F.S. ch. 119. The Town shall use its best efforts to notify the individual(s) of any public records requests it may receive with respect to the disclosure of an applicant's medical records; and shall cooperate with the applicant to the

extent allowed by law, if any legal action is threatened or initiated by someone seeking the disclosure of medical information submitted by an applicant. If the applicant executes a hold harmless and indemnification agreement to pay all of the Town's expenses associated with an action challenging its nondisclosure of an applicant's records, the Town will maintain their confidentiality unless compelled to do so by court order or judgment. Otherwise, the Town shall have no obligation to defend the nondisclosure and may produce the records in accordance with the Public Records Act at any time if it reasonably believes it is required to do so.

- (d) The legal title holder, and if leased, the legal title of the lessee of the property which is the subject of a reasonable accommodation application. In addition, if the owner or lessee is leasing the property to one or more tenants who are the subject of the application for a reasonable accommodation, the owner or lessee shall submit copies of the written instruments pursuant for each tenant or sub-tenant who is leasing or sub-leasing the property and requesting a reasonable accommodation.

(Ord. No. 27-14, § 3, 8-7-14)

Sec. 21-290. - Review of applications.

Upon receipt of an application for a reasonable accommodation, the Building Official, in consultation with the Director of Planning and Zoning, shall determine whether there is adequate information contained in the application to complete its review. If, due to the nature of the application it is determined that it would not impact adjacent properties, the application shall only be subject to administrative review by the Building Official, and such personnel as the Building Official deems necessary to evaluate the application. If it is determined that the application potentially impacts adjacent properties, the application shall be reviewed by the Building Official and the Planning and Zoning Department. The application shall be scheduled as soon as practicable for a quasi-judicial hearing before the Town's Special Magistrate. The Planning and Zoning Department shall evaluate the application and prepare a staff report to address the potential impacts the application is expected to have on adjacent properties and is authorized to recommend such conditions as may be determined to be necessary to grant a reasonable accommodation given the context of the application.

(Ord. No. 27-14, § 3, 8-7-14)

Sec. 21-291. - Hearings on applications by Special Magistrate.

The department, in consultation with the Director of Planning and Zoning, shall consider whether it is appropriate or necessary, given the potential of the application to create impacts upon adjacent properties, to be considered by the Town's Special Magistrate at a quasi-judicial hearing as set forth in section 2-2 of the Code. If such a hearing is deemed necessary, the Magistrate shall consider the application, the staff report, and any other relevant testimony or evidence concerning the request for a reasonable accommodation. In determining whether a reasonable accommodation request should be granted or denied, the applicant, or if applicable a qualifying entity shall have the burden of establishing: that it is entitled to the protections of the FHA/ADA; that the accommodation being requested is reasonable and necessary to afford the occupant(s) an equal opportunity to use and enjoy the property as proposed; and that the occupant(s) has (a) a physical or mental impairment which substantially limits one or more major life activities; (b) a record of having such impairment; and (c) that the disabled individual(s) is regarded as having such impairment.

- (a) *Order.* The Special Magistrate shall not be required to render a decision on the request at the hearing. The Special Magistrate may: (a) grant the application, (b) grant a portion of the application which is deemed to be reasonable given the circumstances and the nature of the request; (c) deny a portion of the application if the Special Magistrate determines that a portion of the request is not reasonable; (d) grant all, or a portion of the applications and impose conditions upon all or a portion of the application that was granted, or (e) deny the application. The order of the Special Magistrate shall be sent to the applicant, or his/her authorized agent at the address specified by the applicant on the application form.
- (b) *Appeal.* The Town or the applicant may appeal the decision of the Special Magistrate on a reasonable accommodation request within 30 days after of the date on which the written decision is rendered by serving a written notice of appeal with the Palm Beach County Circuit Court in accordance with the rules of procedure governing appeals of administrative actions.

(Ord. No. 27-14, § 3, 8-7-14)

Secs. 21-292—21-305. - Reserved.

Chapter 15 - HOUSING CODE<sup>[1]</sup>

Footnotes:

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**Cross reference**— Buildings and building regulations, Ch. 7; property maintenance, § 14-21 et seq.; subdivisions, Ch. 25; utilities, Ch. 28; vegetation, Ch. 29; zoning, Ch. 31.

## Sec. 15-1. - Title and scope.

- (a) *Title.* The provisions of this chapter shall constitute and be known and may be cited as "The Belle Glade Housing Code."
- (b) *Provisions, remedial.* This chapter is hereby declared to be remedial and shall be construed and interpreted to secure the public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of residential buildings.
- (c) *Scope.*
- (1) This chapter shall apply to all buildings or portions thereof used, or intended to be used, for human habitation, regardless of when such building may have been constructed.
  - (2) This chapter establishes the minimum standards for occupancy and does not replace or modify standards otherwise established for construction, replacement or repair of buildings; and in the event of conflict with such standards, the provisions of this chapter shall yield.
  - (3) No building or structure used or intended to be used for human habitation shall be moved into the city unless it complies with all of the requirements of this chapter in force at that time, in addition to other ordinance and statutory requirements.
- (d) *Maintenance.* The owner of each existing or new building or structure used or intended to be used for human habitation has the affirmative responsibility of maintaining such building or structure in a safe and sanitary condition in full compliance with this chapter.

(Code 1967, § 13½-1)

## Sec. 15-2. - Organization.

Administration of this chapter shall be under direction of the city manager principally through the planning and building department which shall have the cooperation of such other municipal departments as may be appropriate for the application, implementation and enforcement of the provisions of this chapter.

(Code 1967, § 13½-2)

## Sec. 15-3. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter, and wherever the context requires the clarity the singular shall include the plural, the plural shall include the singular and the gender shall be interchangeable:

*Approved* shall mean constructed, installed and maintained in accordance with the provisions of this chapter or other pertinent ordinances of the city and with rules and regulations adopted pursuant thereto.

*Dwelling* shall mean any building or structure, or part thereof, used or intended to be used for human habitation, and includes any accessory buildings and appurtenances belonging or usually incident thereto.

*Dwelling unit* shall mean any room or group of connecting rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living and sleeping, with or without independent bathroom facilities in the unit; and, where applicable, cooking and eating.

*Extermination* shall mean the elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; and by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods.

*Habitable room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, corridors, closets and storage spaces.

*Household* shall mean all persons who occupy a dwelling unit.

*Inspector* shall mean any person designated by the city manager to carry out the duties of inspection as stated in this chapter.

*Multiple dwelling* shall mean any dwelling containing two (2) or more dwelling units.

*Occupant* shall mean any person who has charge, care or control of a dwelling or part thereof, in which dwelling units or rooming units are let.

*Owner* shall mean and include a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not, and shall be deemed to include all individuals, associations, partnerships, corporations, and others who have interest in a dwelling and any who are in possession or control thereof, as agent of the owner, as executor, administrator, trustee, or guardian of the estate of the owner.

*Plumbing* shall mean and include all of the following supplied facilities and equipment: Water pipes, garbage disposal, waste pipes, water closets, sinks, clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water and sewer lines, whether public or private.

*Premises* shall mean a parcel or plot of land, together with all improvements on it, on which a dwelling unit is located.

*Public authority* shall mean the City of Belle Glade.

*Public hall* shall mean any hall, corridor or passageway of any building not within the exclusive control of one (1) occupant.

*Public lodging establishment* shall mean any building or structure, or group of buildings or structures within a single complex of buildings, which is kept, used, maintained, or advertised as, or held out to the public to be, a place where sleeping or housekeeping accommodations are supplied for pay to transient or permanent guests or tenants. The following are excluded from the definition of public lodging establishment:

- (1) Any individually or collectively owned one-family, two-family, or three-family dwelling house or dwelling unit, regardless of the number of such dwelling houses or units clustered together, unless they are regularly rented to transients or held out or advertised to the public as places regularly rented to transients;
- (2) Any dormitory or other living or sleeping facility maintained by a public or private school, college or university primarily for the use of students, faculty or visitors;
- (3) Any hospital, nursing home, sanitarium, adult congregate living facility or other similar place;
- (4) Any premises on which there are located three (3) or less rental dwelling units, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.

*Rooming unit* shall mean any room or group of connecting rooms forming a single dwelling unit used or intended to be used for living and sleeping, but not for cooking or eating purposes and not having bathroom facilities in the unit.

*Roominghouse* shall mean any public lodging establishment licensed by the state and the city as a roominghouse.

(Code 1967, § 13½-3)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 15-4. - Inspections.

- (a) The city shall regularly inspect or cause to be inspected buildings subject to the provisions of this chapter and the planning and building department shall prepare a scheduling format so that such buildings will be inspected to determine compliance with the provisions of this chapter on a recurring regular basis. Where conditions are made apparent to the planning and building department that any building subject to the provisions of this chapter are not in compliance, such as in instances where written complaints are received by the city, applications for building permits for additions, alterations, modifications or new construction are received, or notice from another municipal department, the city shall cause such building to be inspected out of the regular scheduled time for inspection. The purpose of the scheduling is to assure an orderly regulated objective inspection of all buildings subject to the provisions of this chapter, and inspections shall be carried out as availability of personnel and time will permit, taking into consideration the responsibilities of the personnel of the planning and building department, available manpower and funds.
- (b) Dwelling units and residential buildings which are not licensed by the state as public lodging establishments as defined by the state code, may not be entered for inspection as provided in this chapter except with the written consent of the occupant of the dwelling unit or dwelling building to be inspected or, where applicable, appropriate court order.
- (c)

Buildings licensed as public lodging establishments and subject to the provisions of this chapter may be inspected to determine compliance with this chapter in accordance with the consents for such inspections as contained in conditions prerequisite to the issuance of the public lodging establishment license. However, no such inspection may be made of an occupied dwelling unit within such building except upon written consent of the occupant of such dwelling unit, or where applicable, with an appropriate court order.

- (d) Where the state provides for the inspection of public lodging establishments subject to the provisions of this chapter, such inspections are to be performed on a regularly scheduled basis by the state, and the state requirements are equal to or more stringent than the requirements of this chapter, then in such cases the city need not inspect such public lodging establishments, provided the city has received a copy from the state agency inspecting the establishment showing the establishment to be in compliance with the provisions of the state requirements, and such report is within the time frame that the city would have otherwise scheduled such building for inspection to determine compliance with this chapter. It is the intent of this provision that the city may rely upon inspections by the state of public lodging establishments in determining compliance of such establishments with the provisions of this chapter where the state requirements are equal to or more stringent than those in this chapter.
- (e) Nothing in this chapter shall preclude the city from inspecting buildings subject to this chapter at times other than those set forth in scheduling programs.
- (f) The city shall adopt a standard form of inspection report which shall be used and completed with the reference to each inspection made pursuant to the provisions of this chapter.
- (g) Where there is found a violation of this chapter, a copy of the inspection report shall be available in the planning and building department for examination by the property owner who may obtain a copy upon payment of the prescribed fees for copies of official records.
- (h) The city shall maintain a master index by street address showing the date the last inspection was made and such other data as will enable location of the last inspection report.
- (i) When a condition not complying with this chapter is reflected on an inspection report and such condition has been remedied, the inspection report shall contain a marginal notation indicating the date the correction was completed and initialed by the inspector confirming the correction.
- (j) Where complete subsequent inspections are made of a premises for reasons other than to determine correction of noncomplying conditions, all old inspection reports pertaining to that premises shall be purged from the record. It is the intent of this provision to eliminate, as nearly as is practicable, duplications of inspection reports, keeping only those which are most recent as to any premises inspected, and the files shall be updated to achieve this result.

(Code 1967, § 13½-4)

#### Sec. 15-5. - Hardships.

Where the literal application of the requirements of this chapter will cause an undue hardship upon an owner and such requirement does not constitute imminent danger to the occupants, or when it is plain that the true intent and meaning of this chapter have been misconstrued, wrongly interpreted or misapplied, the owner of such building may apply in writing within thirty (30) days from the date of the decision from which relief is sought, through the planning and building department, to

the code enforcement board for relief. Appeals from the decision of the code enforcement board may be taken to the circuit court as provided in section 2-264 which shall govern proceedings before and by the code enforcement board.

(Code 1967, § 13½-5)

Sec. 15-6. - Sanctions and penalties.

Any person, firm or legal entity violating any portion of this chapter shall be subject to any, some or all of the following sanctions and penalties, and each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any such violation is committed, or continued. The sanctions and penalties are:

- (1) Such fine as may be imposed by the code enforcement board;
- (2) As to public lodging establishments, a cancellation of occupational licenses until the violation has been remedied;
- (3) Implementation of the procedures, sanctions and penalties contained in article VII of chapter 7 when the violation is such as to render the building inspected a dangerous building as defined in article VII of chapter 7;
- (4) Any sanction provided by law or equity;
- (5) The penalties and sanctions imposed in subsections (1) and (2) shall constitute a lien upon the real property on which the violation occurred upon such lien being filed in the public records of the county. Any such lien may be foreclosed as provided by the city ordinance or other law.

(Code 1967, § 13½-6)

Sec. 15-7. - Permits.

The owner or his contractor must, prior to commencing work required pursuant to enforcement of this chapter, obtain a building permit for the required construction, alteration, repair or demolition of any structure.

(Code 1967, § 13½-7)

Sec. 15-8. - Minimum requirements for electrical systems.

Every electrical outlet and fixture required by this chapter shall be installed, maintained and connected to a source of electric power in accordance with the provisions of the electrical code in existence at the time of its installation.

(Code 1967, § 13½-8)

Sec. 15-9. - General requirements for the exterior and interior of structures.

Every dwelling building shall comply with the following minimum interior and exterior structural requirements:

- (1) *Foundation.* The building foundation system shall be maintained in a safe condition and capable of supporting the load which normal use may cause to be placed thereon.
- (2) *Exterior walls.* Every exterior wall shall be free of conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair.

- (3) *Roofs.* Roofs shall be structurally sound and maintained in a safe condition and have no defects which might admit rain or cause dampness in the walls or interior portion of the buildings.
- (4) *Means of egress.* Every dwelling shall have safe, unobstructed means of egress with minimum ceiling height of seven (7) feet leading to a safe and open space at ground level. Stairs and doorways shall have a minimum head room of six (6) feet, eight (8) inches.
- (5) *Stairs, porches and appurtenances.* Every inside and outside stair, porch and each part thereof shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- (6) *Protective railings.* Protective railings shall be required on any unenclosed structure over thirty (30) inches from ground level or on any steps containing four (4) risers or more.
- (7) *Windows and doors.* Every window and exterior door shall be substantially weathertight, watertight and rodentproof; and shall be kept in sound working condition and good repair.
- (8) *Windows to be glazed.* Every window sash shall be fully supplied with glazed glass window panes or an approved substitute free from open cracks and holes.
- (9) *Window sash.* Window sash shall be properly fitted and weathertight within the window frame.
- (10) *Windows to be openable.* Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware.
- (11) *Hardware.* Every exterior door shall be provided with proper hardware and maintained in good condition.
- (12) *Door frames.* Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the dwelling building.
- (13) *Screens.* Every window or other device with opening to outdoor space, used or intended to be used for ventilation, shall have screens.
- (14) *Protective treatment.* All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.
- (15) *Accessory structures.* Garages, storage buildings and other accessory structures shall be maintained and kept in good repair and sound structural condition.
- (16) *Interior floors, walls, and ceilings.* Every floor, interior wall and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (17) *Structural supports.* Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render it incapable of carrying loads which normal use may cause to be placed thereon.
- (18) *Protective railings for interior stairs.* Interior stairs and stairwells more than four (4) risers high shall have handrails located in accordance with the requirements of the building code. Handrails or protective railings shall be capable of bearing normally imposed loads and be maintained in good condition.

(Code 1967, § 13½-9)

## Sec. 15-10. - Minimum dwelling space requirements.

Every dwelling space shall meet the following minimum requirements:

- (1) *Required space in dwelling unit.* Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms in the dwelling unit.
- (2) *Required space in sleeping rooms.* In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.
- (3) *Minimum ceiling height.* Habitable rooms shall have ceiling heights of not less than seven (7) feet. Hallways, corridors, bathrooms, water closet rooms and kitchens shall have ceiling heights of not less than seven (7) feet measured to the lowest projection from the ceiling.

(Code 1967, § 13½-10)

## Sec. 15-11. - Sanitation requirements.

Every dwelling, dwelling unit and habitable room shall comply with the following minimum requirements:

- (1) *Sanitation.* Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof.
- (2) *Cleanliness.* Every occupant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies or which is provided for his particular use.
- (3) *Garbage disposal.* Every occupant of a dwelling or dwelling unit shall dispose of all his garbage, any other organic waste which might provide food for rodents and all rubbish generated by his occupancy in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage or rubbish storage containers.
- (4) *Care of premises.* It is unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every owner and occupant of such premises to keep the property clean and to remove therefrom all such abandoned items and, in addition, all weeds, dead trees, trash, garbage and debris accumulated thereon.
- (5) *Extermination.* Every owner and occupant of a dwelling shall be responsible for the extermination of any insects, rodents or other pests within that portion of the premises under his control.
- (6) *Use and operation of supplied plumbing fixtures.* Every occupant of a dwelling unit shall keep all plumbing fixtures supplied for his use in a clean and sanitary condition, and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(Code 1967, § 13½-11)

Sec. 15-12. - Minimum standards for equipment, facilities and structures of public lodging establishments.

(a) The owner of every public lodging establishment, and every tenant of a dwelling unit or habitable room located in a public lodging establishment, as to that portion under the control of the respective tenant, shall keep and maintain the dwelling in accordance with the following minimum standards as to equipment, facilities and structures:

- (1) Roofs, walls, ceilings, floors, stairs, steps, windows, transoms, shelves, electrical fixtures, plumbing fixtures, stoves, refrigerators, hot water heaters, space heaters, trash receptacles and fire prevention equipment shall be kept in a state of good repair, in a clean and sanitary condition, and where applicable, painted.
- (2) Insects, vermin and rodents shall be exterminated and all garbage and trash receptacles kept and maintained in such a manner as to reasonably preclude attracting insects, vermin and rodents.
- (3) The premises, yards, alleys, common areas and parking areas shall be kept clean, free from debris and properly drained.
- (4) Flammable materials stored inside a dwelling shall be stored in an approved type container so as to minimize fire and explosion hazard.
- (5) All fire extinguishing equipment and fire prevention equipment shall be maintained and kept in a proper authorized working condition in accordance with fire prevention rules, regulations, ordinances and statutes as they apply to the dwelling.
- (6) To prevent fire or injury, defective electric wiring shall be replaced and wiring shall be kept in good repair. No electrical extension cords shall be used in any of the following circumstances:
  - a. As a substitute for fixed wiring of a structure;
  - b. Where run through holes in walls, floors or ceilings;
  - c. Where run through doorways, windows, vents or similar openings;
  - d. Where attached to building surfaces;
  - e. Where concealed by floors, walls, ceilings or floor carpeting or covering;
  - f. Where the rated capacity of the cord wire is insufficient to carry the load imposed on it;
  - g. Where the cord is frayed, spliced or damaged.

Only a wall switch is permitted for operation of electric lights in bathrooms.

- (7) The toilet, tub, shower and lavatory in a dwelling unit shall be located in a room affording privacy to the user and such room shall have a minimum floor space of thirty (30) square feet with no dimension being less than four (4) feet. Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed areas, not including kitchens or other food preparation areas. Bathrooms and water closet compartments shall be adequately ventilated so as to provide at least one (1) complete air change every six (6) minutes while such bathroom or compartment is in use.
- (8) Every dwelling shall have water heating facilities which are properly installed and maintained in a safe and good working condition capable of heating water to such a temperature as to permit an adequate amount of water to be drawn in every required kitchen sink, lavatory basin, bathtub or shower, at a temperature of not less than one hundred twenty (120) degrees Fahrenheit. Such water heating facilities shall be capable of meeting the requirements of the fire and electric codes of the city.

- (9) Every dwelling unit and habitable room shall have space heating facilities which are properly installed, maintained in a good safe working condition and capable of safely and adequately heating all habitable rooms located therein to a temperature of at least seventy (70) degrees Fahrenheit at a distance of three (3) feet above floor level, under ordinary winter conditions, whether supplied by the owner or occupant. All space heating facilities shall comply with applicable electrical and fire prevention codes.
- (10) All cooking equipment shall be installed and maintained in a safe and good working condition and shall comply with fire and electrical codes. Portable cooking equipment employing open flame is prohibited. Portable cooking equipment of any kind is prohibited in a habitable room.
- (11) Every dwelling shall comply with plumbing, electrical and fire codes.
- (12) Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area measured between stops for each habitable room shall be eight (8) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstruction structures are located less than three (3) feet from the window and extended to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total area of such room.
- (13) Every habitable room shall have at least one (1) window which can be easily opened and capable of remaining open without attendance. Each habitable room shall be provided with adequate ventilation so as to provide at least one (1) complete air change every four (4) minutes at an air velocity of not to exceed six hundred (600) feet per minute.
- (14) Every habitable room shall contain at least two (2) separate and remote convenience electrical outlets and bedrooms shall have, in addition, at least one (1) wall switch controlled ceiling or wall type light fixture. Kitchens shall have three (3) separate and remote convenience electrical outlets plus a wall or ceiling type light fixture controlled by a wall switch. Every hall, water closet compartment, bathroom and laundry room shall contain at least one (1) electric fixture which, in bathrooms, shall be controlled by wall switches, and in addition, bathrooms shall be provided with at least one (1) electrical convenience outlet.
- (15) Every dwelling unit shall have the minimum electric service capacity so as to supply electric service to the dwelling unit in the following amounts:

<i>Gross floor area of habitable space square feet</i>	<i>Minimum capacity of electric supply service</i>
0—1,000	150 amp. service
1,001—over	200 amp. service

- (16) As protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be supplied with screens if the door opening is used to provide the minimum required ventilation mandated by this chapter. Screen wire shall be installed on the opening portion of each window and skylight used for ventilation. The screening used to comply with this provision shall be not larger than sixteen-mesh.
  - (17) Every dwelling unit and habitable room shall have a safe unobstructed means of egress with a minimum ceiling height of seven (7) feet leading to a safe and open space at ground level. Stairs and doorways shall have a minimum head room of at least six (6) feet, eight (8) inches. Every inside and outside stair, porch and any part thereof shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon. Protective railings shall be required on unenclosed structures over thirty (30) inches from ground level and used or intended to be used as a porch or walkway. Protective railings are required on steps containing four (4) risers or more.
  - (18) Exterior doors from each dwelling unit in public lodging establishments shall be substantially weathertight, rodentproof and provided with proper hardware.
  - (19) For each four (4) rooms there shall be supplied by the owner at least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected, maintained in good working condition and located on the floor they serve so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.
  - (20) Every common hall and inside stairway shall, at all times, be illuminated to at least one (1) footcandle intensity at the darkest portions of normally travelled areas.
- (b) In addition to the provisions of this section, all public lodging establishments shall comply with the requirements of this chapter applicable to other classes of dwellings, and where such requirements conflict, the most strict shall apply to the public lodging establishments.

(Code 1967, § 13½-12)

## ARTICLE IV. - HOUSING CODE

## Sec. 18-91. - Title.

The provisions embraced within this article shall constitute and be known and may be cited as "the property maintenance code."

(Code 1979, § 15-17; Ord. No. 4410-12, § 2, 3-5-2012)

## Sec. 18-92. - Definitions.

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

*Approved* means constructed, installed and maintained in accordance with the provisions of this article and other pertinent provisions of this code and with rules and regulations adopted pursuant thereto.

*Basement* means a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

*Cellar* means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

*Dwelling* means any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto and enjoyed therewith.

*Dwelling unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

*Extermination* means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination method approved by the building official.

*Family* means one or more persons who occupy a single dwelling unit, all of whom are related by blood, marriage or adoption, or a group of persons all of whom are not so related which does not exceed two persons in number. The term "family" shall not include the occupants of a roominghouse, a group home/congregate living facility, a fraternity or sorority house or other similar use with shared cooking or sanitary facilities.

*Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Habitable room* means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closet or storage spaces.

*Household* means all persons who occupy a dwelling unit as a family. The term "household" shall not include the occupants of a roominghouse, a group home/congregate living facility, a fraternity or sorority house or other similar use with shared cooking or sanitary facilities.

*Infestation* means the presence, within or around a dwelling, of any noxious insects, rodents or other pests.

*Inspector* means the person designated by the building official to carry out the duties of inspection, as stated in this chapter.

*Multiple dwelling* means any dwelling containing more than two dwelling units.

*Nonresidential structure* means any structure that is not a residential structure. The term "nonresidential structure" shall include, but is not limited to, any occupied or unoccupied structure, commercial structures or buildings, mixed use buildings or structures that include both dwelling units and office or retail combinations, and every other structure that is not a dwelling.

*Occupant* means any person, over one year of age, living, sleeping, cooking or eating in, or having actual possession of, dwelling unit or rooming unit.

*Owner* means and includes a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

*Parties in interest* means all individuals, associations, partnerships, corporations, and others who have interest in a dwelling and as executor, executrix, administrator, administratrix, trustee or the owner or owners shall be bound to comply with the provisions of this chapter and of the rules and regulations adopted pursuant thereto, to the same extent as if such parties were the owner, and upon failure to comply therewith such parties shall be subject to the same penalties provided in this article.

*Plumbing* means and includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

*Premises* means a platted lot or part thereof or unplatted lot or parcel of land or plot of land either occupied or unoccupied by any dwelling or nondwelling structure.

*Public hall* means any hall, corridor or passageway not within the exclusive control of one family.

*Residential structure* means any dwelling, dwelling unit or structure where any part of the structure is used or intended to be used for living, sleeping, cooking and eating.

*Rooming unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Roominghouse* means any dwelling, or that part of any dwelling, in which rooms for living purposes are rented for compensation to three or more persons other than members of the family of the proprietor.

*Rubbish* means all household trash and waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible material, such as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery and dust. Such materials are distinguished from garden trash, which term includes accumulations of grass, tree or shrubbery cuttings and other refuse incident to the care of lawns, shrubbery, vines and trees.

*Single unit dwelling* means a dwelling occupied by one family alone.

*Structure* means that which is built or constructed. All structures are either residential or nonresidential.

*Supplied* means paid for, furnished or provided by or under the control of the owner or operator, his agents or representatives.

*Water closet* means a toilet, with a bowl and a trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.

*Workmanlike state of maintenance and repair* means in such a state so as to comply with all codes and ordinances pertaining to construction of buildings and installation of utilities.

(b) Whenever the terms "dwelling," "dwelling unit," "roominghouse," "rooming unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

(Code 1979, § 15-18)

**Cross reference**— Definitions generally, § 1-2.

Sec. 18-93. - Purpose.

The purpose of this article is to protect the public health, safety and general welfare of the people of the city by establishing minimum standards governing the conditions, occupancy and maintenance of all residential and nonresidential structures; establishing minimum standards governing utilities, supplied facilities and other physical components and conditions essential to make residential and nonresidential structures and premises safe, sanitary, and fit for human habitation; fixing certain responsibilities and duties of owners, operators, agents and occupants of residential and nonresidential structures; and authorizing and establishing procedures for the inspection of residential and nonresidential structures and premises and the condemnation and vacation of those residential and nonresidential structures and premises unfit for human habitation.

(Code 1979, § 15-19)

Sec. 18-94. - Scope and applicability of article.

Every structure shall conform to the requirements of this article, irrespective of the class in which such structure may otherwise belong, and irrespective of when such structure may have been constructed, altered, or repaired, and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the structure or premises, for the construction or repair of the structure, or for the installation or repair of equipment of facilities. No person shall occupy as owner-occupant or let to another for occupancy any residential or nonresidential structures for any purpose

which does not comply with the requirements of this article. This article establishes minimum standards but does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this article, in which event the stricter standard shall prevail.

(Code 1979, § 15-20)

Sec. 18-95. - Minimum standards for lighting.

- (a) Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room in such dwelling shall contain at least two separate wall-type electric outlets, or one such outlet and one supplied ceiling-type electric light fixture, and every bathroom, laundry room, furnace room and public hall shall contain at least one ceiling or wall-type electric light fixture. Every such outlet and fixture shall be in working condition and installed in accordance with the requirements of the electrical code of the city.
- (b) Every habitable room shall have at least one window or skylight facing directly to the outside or other means of lighting which is approved as adequate by the inspector. The minimum total window area for every habitable room shall be ten percent of the total floor area of such room; if the only window in a room is the skylight type, the minimum total window area shall be 15 percent of total floor area of such room, except where other means of artificial lighting are approved.
- (c) Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times. Every public hall and stairway in a structure containing not more than four dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.
- (d) Lighting in bathrooms shall conform to the lighting requirements for habitable rooms.

(Code 1979, § 15-21)

Sec. 18-96. - Minimum standards for ventilation.

- (a) Every habitable room shall have at least one window or skylight opening directly to the outdoors which can easily be opened, or such other device as will adequately ventilate the room. The minimum total openable window area in every habitable room shall be equal to 45 percent of the minimum total window area required in subsection 18-95(b), except where there is supplied some other device affording adequate ventilation and approved by the building official.
- (b) When walls or other portions of structures face a window and are located less than three feet from the window and extend to a level above that of the ceiling of the room so as to be a light obstruction feature, such window shall not be included as contributing to the required minimum total window area.
- (c) Every bathroom shall have ventilation equal to four square feet or such other device as will adequately ventilate the room and which is approved by the building official.

(Code 1979, § 15-22)

Sec. 18-97. - Minimum standards for basic equipment and facilities.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

- (1) Every dwelling unit shall contain a kitchen sink in good working condition and properly

- connected to a water and sewer system approved by the building official.
- (2) Every dwelling unit, except as otherwise permitted under subsection (4) of this section, shall contain a room which affords privacy to a person within such room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the building official.
  - (3) Every dwelling unit, except as otherwise permitted under subsection (4) of this section, shall contain, within a room which affords privacy to a person within such room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the building official.
  - (4) The occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower if:
    - a. Neither of the two dwelling units contains more than two rooms; provided, for the purpose of this subsection (4)a, a kitchenette or an efficiency kitchen with not more than 60 square feet of floor area shall not be counted as a room;
    - b. The habitable area of each of such dwelling units shall equal not more than 250 square feet of floor area; and
    - c. Such water closet, lavatory basin, and bathtub or shower shall be in good working condition and properly connected to a water and sewer system approved by the building official.
  - (5) Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of subsections (1) through (4) of this section shall be properly connected with both hot and cold water lines.
  - (6) Every dwelling unit shall be supplied with adequate rubbish storage facilities, the type and location of which are approved by the building official.
  - (7) Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, the type and location of which are approved by the building official.
  - (8) Every dwelling shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of subsection (5) of this section, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water-heating facilities shall be capable of meeting the requirements of this subsection (8) when the dwelling or dwelling unit heating facilities required under the provisions of subsection (5) of this section are not in operation.
  - (9) All cooking and heating equipment and facilities shall be installed in accordance with the building code set forth in article II of this chapter and shall be maintained in a safe and good working condition. Portable cooking equipment employing flame is prohibited.

(Code 1979, § 15-23)

Sec. 18-98. - Basements and cellars.

- (a) No cellar space shall be used as a habitable room.
- (b) Basement space may be used as a habitable room if:
  - (1) The windows are sufficiently above the lot's ground level so as to allow the room to meet

requirements of habitable rooms as to light and ventilation;

- (2) The floors and walls below grade level of the lot are impervious to water and free from dampness at all times; and
- (3) The clear inner height is at least six feet eight inches, and no pipes or beams are below six feet from floor level.

(Code 1979, § 15-24)

Sec. 18-99. - Space requirements.

The number of persons occupying any dwelling unit shall be limited by the following regulations:

- (1) *Size of sleeping rooms.* Every sleeping room shall have at least 70 square feet of floor area for the first occupant and at least 50 square feet of floor area per additional occupant.
- (2) *Maximum number of occupants.* The maximum number of occupants permissible per dwelling unit shall be as follows:

Dwelling Size	Maximum Number of Occupants
0 Bedrooms	1
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

For purposes of determining whether a violation has occurred, if the square footage requirements contained in subsections (1) and (3) of this section conflict with the maximum number of occupants permissible per dwelling unit contained in subsection (2) of this section, then the greatest number of occupants permissible under either subsections (1), (2) or (3) of this section shall prevail.

- (3) *Size of dwelling unit.* The total of all habitable rooms in a dwelling unit should be such as to provide at least 150 square feet of floor area for the first occupant thereof and at least 100 additional square feet of floor area per additional occupant. No dwelling containing two or more sleeping rooms shall be arranged so that access to a bathroom, shower room or water closet compartment intended for use by the occupants of more than one sleeping room can

be achieved only by going through another sleeping room or outside the structure, nor shall room arrangements be such that access to a sleeping room can only be achieved through another sleeping room, bathroom, shower room or water closet compartment.

- (4) *Minimum height of habitable rooms.* Every habitable room shall be not less than seven feet in height from the floor to the ceiling throughout one-half of the area of such room. Any portion of a room having a ceiling height less than five feet shall not be considered in computing floor area.
- (5) *Responsibilities of landlord, lessor or owner.* It shall be unlawful for any landlord, lessor or owner to consent, allow, fail to prevent, or follow a course of conduct that the landlord, lessor or owner knows, or reasonably should know, will likely cause or result in overcrowding pursuant to this section. Every landlord, lessor or owner shall take affirmative actions to ensure that the number of persons occupying any dwelling or residential structure conforms to the requirements of this article. A violation shall be punishable as provided in section 1-13.

(Code 1979, § 15-25)

Sec. 18-100. - Egress.

Every dwelling unit shall have a safe, unobstructed means of egress to a safe and open space at ground level.

(Code 1979, § 15-26)

Sec. 18-101. - Responsibilities of occupant.

The responsibilities of the occupant are as follows:

- (1) To keep the dwelling and premises he controls and occupies in a clean and sanitary condition.
- (2) To dispose of rubbish and garbage in a clean and sanitary manner as prescribed by city regulation.
- (3) To hang and maintain screens provided by the owner, except where the owner has agreed to supply such services.
- (4) To keep plumbing fixtures therein in a clean and sanitary condition and to exercise reasonable care in the proper use and operation thereof.
- (5) To exterminate in the following cases:
  - a. The occupant of a single dwelling is responsible for extermination of any insects, rodents or other pests therein or on premises.
  - b. The occupant of a dwelling unit in a multiple-unit structure is responsible for extermination of any insects, rodents or other pests, if his unit is the only unit infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain the dwelling in a ratproof or reasonably insectproof condition, the occupant is not responsible for extermination of any insects, rodents, or other pests therein.

(Code 1979, § 15-27)

Sec. 18-102. - Responsibilities of owner.

The responsibilities of the owner are as follows:

- (1) To let no dwelling to anyone for occupancy unless it meets minimum standards set forth in sections 18-95 through 18-103(i).
- (2) To have the dwelling in clean, sanitary, habitable condition, to free such dwelling from infestation before renting, to paint walls and ceilings and to clean, repair and exterminate if needed to meet requirements of this article before offering for rent.
- (3) To provide screens to be hung.
- (4) To exterminate in the following cases:
  - a. When infestation exists in two or more units of a multiple-unit structure.
  - b. When infestation exists in shared or public areas of a multiple-unit structure.
  - c. When infestation exists in a single unit of a multiple-unit structure or in a single-unit structure when infestation is due to failure of the owner to maintain the dwelling in a ratproof and reasonably insectproof condition.

(Code 1979, § 15-28)

Sec. 18-103. - Condition of structures.

- (a) All dwelling structures shall be watertight, weathertight, rodent and insectproof and in good repair.
- (b) Every foundation, exterior wall and roof shall be reasonably watertight, weathertight and rodentproof, shall adequately support the building at all times, and shall be in a workmanlike state of maintenance and repair.
- (c) Every interior partition, wall, floor and ceiling shall be reasonably tight, capable of affording privacy and maintained in a workmanlike state of repair and in a clean and sanitary condition.
- (d) All rainwater shall be so drained and conveyed from every roof, and the lot shall be so graded and drained as not to cause dampness in the walls, ceilings, floors or basement of a dwelling.
- (e) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight, and rodentproof; and shall be maintained in sound condition and repair, and secured with proper hardware.
- (f) Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and it shall be maintained in sound condition and repair.
- (g) Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in sanitary working condition, free from defect, leaks, and obstruction.
- (h) Every toilet, bathroom and kitchen floor shall be constructed and maintained so as to be reasonably impervious to water, and such floor shall be kept in a clean and sanitary condition.
- (i) Every supplied facility, piece of equipment or utility which is required under this article shall be so constructed and installed that it will function safely and effectively, and shall be maintained in good working condition.
- (j) All exterior surfaces shall be protected from decay by painting or other protective covering or treatment. All siding shall be weather-resistant and watertight.

(Code 1979, § 15-29)

Sec. 18-104. - Minimum standards for roominghouses.

- (a)

No person shall operate a roominghouse or shall let to another for occupancy any room unless such roominghouse or room complies with the following requirements, in addition to those comprising sections 18-91 through 18-103:

- (1) Every roominghouse shall be equipped with at least one flush water closet, one lavatory and one tub or shower for each four persons or fraction thereof within the roominghouse, including members of the family if they are to share the use of the facilities. In roominghouses in which rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets. All such facilities shall be properly connected to the water supply and sewer system.
  - (2) Every flush water closet, flush urinal, lavatory, tub or shower required in subsection (a)(1) of this section shall be located within the roominghouse in a room, or rooms, which:
    - a. Affords privacy.
    - b. Is accessible by a common hall without going outside the roominghouse.
    - c. Is accessible from a common hall without going through sleeping quarters of others.
    - d. Is not more than one story removed from the room of an occupant intended to share the facilities.
  - (3) Where bedding, bed linen or towels are supplied, the operator shall maintain the bedding in a clean and sanitary manner, shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to an occupant.
- (b) Every provision of this article which applies to roominghouses shall also apply to hotels, except to the extent that any such provision may be found to be in conflict with the laws of this state or with the lawful regulations of any state board or agency.

(Code 1979, § 15-30)

Sec. 18-105. - Nonresidential structures.

- (a) All nonresidential structures shall be watertight, weather tight, rodent proof and insect proof and in good repair.
- (b) Every foundation, exterior wall and roof shall be reasonably watertight, weather tight and rodent proof, shall adequately support the building at all times, and shall be in a workmanlike state of maintenance and repair.
- (c) Every interior partition, wall, floor and ceiling shall be reasonably tight and maintained in a workmanlike state of repair and in a clean and sanitary condition.
- (d) All rainwater shall be so drained and conveyed from every roof, and the lot shall be so graded and drained, as not to cause dampness in the walls, ceilings, floors or basement of a dwelling.
- (e) Every window, exterior door and basement hatchway shall be reasonably weather tight, watertight and rodent proof and shall be maintained in sound condition and repair, and secured with proper hardware.
- (f) Every inside and outside stairway, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and it shall be maintained in sound condition and repair.
- (g) Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in sanitary working condition, free from defect, leaks, and obstruction.
- (h) Every toilet, restroom and bathroom floor shall be constructed and maintained so as to be

reasonably impervious to water, and such floors shall be kept in a clean and sanitary condition.

- (i) Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed and installed that it will function safely, and effectively, and shall be maintained in good working condition.
- (j) All exterior surfaces shall be protected from decay by painting or other protective covering or treatment. All siding shall be weather-resistant and watertight.
- (k) No abandoned or inoperative vehicle shall be permitted on nonresidential property in view of the general public in violation of chapter 34, article IV, of this Code, relating to abandoned or inoperative vehicles.

(Code 1979, § 15-31; Ord. No. 4410-12, § 2, 3-5-2012)

**Cross reference—** Solid waste, ch. 74.

Sec. 18-106. - Structures, unimproved lots.

- (a) Every owner of a building, structure or lot, vacant or occupied, shall keep the premises in clean and sanitary condition, including yards, lawn, courts and driveways.
- (b) Exterior premises shall be kept free from the excessive growth of weeds, grass and other flora.
- (c) Every owner of a building, structure or lot, vacant or occupied, shall grade and maintain the exterior premises so as to prevent the accumulation of stagnant water thereon.
- (d) Animals and pets shall not be kept on the premises in such manner as to create unsanitary conditions or constitute a public nuisance.
- (e) Every owner of a building, structure or lot shall keep the premises reasonably free from rodents, insects and vermin.
- (f) The roof of every building or structure shall be well-drained of rain water.
- (g) All exterior surfaces shall be properly maintained and protected from the elements by paint or other approved protective coating applied in a workmanlike fashion.
- (h) Every owner of a building, structure or lot, vacant or occupied, shall be responsible for removing any unauthorized obsolete, noncomplying or any deteriorated signs, posters and graffiti from the building's exterior; those signs authorized by the city's regulations are exempted from this section (See chapter 94, article XIII).
- (i) All properties shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items included, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- (j) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (k) Front, side and rear yard landscaping shall be maintained in accordance with the city Code.
- (l) Landscape shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (m) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required landscape and removal of all trimmings.

- (n) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris. Pools and spas shall comply with the enclosure requirements of this Code and the Florida Building Code, as amended from time to time.

(Code 1979, § 15-32; Ord. No. 4410-12, § 2, 3-5-2012)

Sec. 18-107. - Rubbish and garbage; storage and disposal.

No premises shall be deemed to comply with the requirements of this article relating to rubbish and garbage storage and disposal unless:

- (1) Rubbish stored outdoors is stored in one or more rubbish storage boxes or containers which are fly tight, rodent proof, nonflammable and reasonably waterproof.
- (2) Rubbish stored in the basement or cellar, or in an enclosed structure such as a shed, is stored in nonflammable containers.
- (3) No loose rubbish or garbage is placed upon or strewn about on the floor of any basement or cellar or other part of any structure or on the ground surrounding or under any structure.
- (4) Garbage is disposed of in one or more insect proof and watertight metal garbage storage containers equipped with tightly fitting metal covers in conformity with chapter 74 of this Code; or garbage is disposed of in a garbage grinder which grinds garbage finely, and is discharged into the kitchen sink drain in a sanitary manner; or garbage is disposed of in an approved garbage incinerator installed and operated in a sanitary manner.
- (5) Every outside garbage storage container is so maintained and so located on the premises that no odors will permeate any structure or dwelling units.

(Code 1979, § 15-35; Ord. No. 4410-12, § 2, 3-5-2012)

Sec. 18-108. - Enforcement.

A violation of this article shall be enforced in accordance with the provisions of this Code.

(Ord. No. 4410-12, § 2, 3-5-2012)

Sec. 18-109. - Conflict with other codes.

In any case where a provision of any zoning, building, electrical, plumbing, health, fire, or safety code of the city is in conflict, the provision which establishes the higher standard for the promotion and protection of the public health and safety shall prevail.

(Ord. No. 4410-12, § 2, 3-5-2012)

Secs. 18-110—18-160. - Reserved.

**Town of Loxahatchee Groves, FLORIDA**  
**Town Council**  
**AGENDA ITEM REPORT**  
**AGENDA ITEM NO. 9.c.**

MEETING DATE: 12/01/2015

**PREPARED BY:** William F. Underwood, II, Town Manager

**SUBJECT: 2016 Revised Legislative Agenda**

**1.BACKGROUND/HISTORY**

Problem Statement: Preparation of the Legislative agenda to focus on key topics to be discussed with local, state and federal legislative bodies and agencies.

Problem Solution: Adopt revised 2016 Legislative Agenda.

At the November 3, 2015 meeting the Council reviewed the 2016 Legislative Agenda prepared by the Palm Beach County Municipal League's 2016 Legislative Agenda. This is included as an attachment.

**2.CURRENT ACTIVITY**

In addition, staff was asked to compile a series of legislative actions from which the Council can select items to support as the 2016 Florida legislature begins to meet and discuss proposed legislation for adoption during their 60 day session that begins January 12, 2016 and ends March 11, 2016.

We recommend revising the 2016 Legislative Agenda to include support for legislative issues that:

1. Support the Palm Beach County League of Cities legislative agenda with a minor exception of septic tanks replacement;
2. Supports legislation that appropriates fund to Palm Beach State College;
3. Supports legislation that appropriates grant funds for Town Trail base improvements;
4. Supports legislation that appropriates grant funds for Town Trail fencing;
5. Supports legislation that appropriates grant funds for Land Acquisition to develop a downtown;
6. Supports legislation that appropriates grant funds for Horse Arena Funding on a portion of the Palm Beach County Loxahatchee Groves Park;
7. Supports legislation that appropriates grant funds for Infrastructure improvements for main trunk water lines;
8. Supports legislation that appropriates grant funds for drainage Infrastructure Improvements on Town Roads;
9. Supports legislation that provides for the licensing and control of sober homes;
10. Supports legislation that does not impact properties with working septic tanks;
11. Supports legislation that appropriates funds for infrastructure of drainage on D Road canal

**3.ATTACHMENTS**

November 3, 2015 Agenda Item 8.b.

**4.FINANCIAL IMPACT**

The Town Council has budget about \$7,000 for lobbying services.

**5.RECOMMENDED ACTION**

Motion to adopt the revised 2016 Legislative Agenda.

**Town of Loxahatchee Groves, Florida  
Town Council Agenda Item Report**

**Agenda Item No. 8.b.**

**Meeting Date: 11/3/2015**

**SUBJECT:** Development of Town of Loxahatchee Groves 2016 Legislative Agenda

**I. BACKGROUND/HISTORY**

**Issue:** Each year the Palm Beach County League of Cities prepares a legislative agenda to focus on key topics to be discussed with local, state and federal legislative bodies and agencies.

**Recommended Action:** Town Council to provide input regarding items to be included in the development of the Town's FY2016 Legislative agenda.

Town Council should prepare a legislative agenda packet listing the policies, projects, and special interests of the Town of Loxahatchee Groves which can be presented to local, state and federal legislative bodies and agencies to further our goals and objectives.

**2. CURRENT ACTIVITY**

The Palm Beach County League of Cities FY2016 Legislative priorities included the following issues:

- Supports public records reform;
- Supports legislation that repeals the state preemption of the regulation of vacation rental properties;
- Opposes legislation that mandates local governments and their taxpayers bear the cost of relocating utility equipment;
- Supports legislation advancing new economic incentives for distressed areas;
- Supports legislation that affirms the home rule powers of municipalities to establish and fund municipal employee benefit levels;
- Recommends moratorium on mandates of any kind during the 2016 legislative session;
- Monitor the effects of growth management legislation;
- Supports focus on state resources for local workforce and career training at all education levels;
- Support increased state funding for building and maintenance of educational facilities;
- Supports using resources from Amendment 1 for enhancement of water quality;
- Supports legislation appropriating \$30 million annual doc stamp tax revenue to the Ecosystem Management and Restoration Trust Fund;
- Supports financial and regulatory initiatives that prioritize and encourage properties with septic tanks to connect to sewer systems;
- Supports legislation that simplifies Florida's Sales and Use Tax System;
- Supports legislation that preserves local control of transportation planning;
- Supports legislation that protects the general revenues collected from the Community Services Tax;
- Supports legislation that creates a level playing field in relationship to pari-mutuel facilities;

- Supports legislation maintaining dedicated funding categories for house rehabilitation, economic development and neighborhood and commercial revitalization.
- Supports federal legislation that defined and establishes minimum regulatory standards for sober home facilities.

Attached is the Palm Beach County League of Cities Legislative Priorities and Issues for 2016. Because these positions are more general in nature, some issues may not apply to the Town or may conflict with our position.

Some Town Council members will be attending the Florida League of Cities Legislative Conference in mid-November where the city, town, and village local governments will be setting a state-wide legislative agenda.

The Town Council should consider identifying and adopting our legislative agenda at the December 1<sup>st</sup> meeting after considering both the Palm Beach County Municipal League and Florida League of City legislative policy statements.

Upon adopting of the Town’s legislative objectives, the Council should consider attending and using the Palm Beach County Day in Tallahassee to advocate for the Town’s policies and objectives to the legislators during the legislative session.

The Legislative Agenda adopted by the Palm Beach County League of Cities is attached as reference.

Key Legislative Dates are listed below:

- December 1 – Town Council Meeting to Adopt the Town’s Legislative Policies
- January 12 – Opening Day of the 2016 Regular Legislative Session
- January 12-13 – Palm Beach County Day – Tallahassee
- March 11 – Last Day – 2016 Legislative Session

If the Town adopts it’s FY2016 Legislative Agenda, the Town Council (individually and/or collectively) and staff will be authorized to advocate on behalf of the Town of Loxahatchee Groves in person or in writing in an effort to move forward the Town’s objectives. With direction from Town Council, staff will prepare a strategy to pursue local, state, and federal funding through the 2016 Legislative Agenda.

We request Town Council identify any issues for inclusion in the Town’s FY2016 Legislative agenda. This will allow staff, Councilmembers and/or paid lobbyist to advocate these positions on the City’s behalf.

### 3. ATTACHMENTS

Palm Beach County League of Cities - 2016 Legislative Agenda  
Guide: How to Effectively Communicate with Your Legislators

### 4. FINANCIAL IMPACT

Limited funding has been provided in the FY2016 adopted budget for lobbyist services.

### 5. RECOMMENDATION

It is recommended that the Town Council provide input as to the content of the Town’s FY2016 Legislative Agenda and then adopt it.

## Welcome

The purpose of the Palm Beach County League of Cities' Legislative Agenda is to articulate, advocate, promote and advance issues that may significantly impact municipalities within Palm Beach County. The League of Cities exists to promote and advance best practices and collective interests of the municipalities in Palm Beach County; to study municipal problems and seek solutions to them through cooperative efforts; and to encourage and work for the welfare of our citizens in Palm Beach County, providing the best quality of life possible countywide. The League was chartered in 1969 as a nonpartisan, nonprofit corporation by and for municipalities. We are a recognized IRS-501(c)(4).

### 38 Municipal Members by Area

#### District 1:

Juno Beach, Jupiter, Jupiter Inlet Colony, Lake Park, Mangonia Park, North Palm Beach, Palm Beach, Palm Beach Gardens, Palm Beach Shores, Riviera Beach & Tequesta

#### District 2:

Cloud Lake, Glen Ridge, Haverhill, Lake Clarke Shores, Loxahatchee Groves, Palm Springs, Royal Palm Beach, West Palm Beach & Wellington

#### District 3:

Atlantis, Boynton Beach, Greenacres, Hypoluxo, Lake Worth, Lantana, Manalapan, South Palm Beach & Village of Golf

#### District 4:

Boca Raton, Briny Breezes, Delray Beach, Gulf Stream, Highland Beach & Ocean Ridge

#### District 5:

Belle Glade, Pahokee & South Bay

Links to individual municipal websites and to get more information visit:  
[www.leagueofcities.org](http://www.leagueofcities.org)



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P.O. Box 1989, Governmental Center  
West Palm Beach, FL 33402

#### Office Address:

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#### Executive Committee:

Hon. Dawn Pardo, President  
[dpardo@rivierabch.com](mailto:dpardo@rivierabch.com)

Hon. Robert Shalhoub, 1st Vice President  
[rshalhoub@lakeclarke.org](mailto:rshalhoub@lakeclarke.org)

Hon. Keith James, 2nd Vice President  
[kjames@wpb.org](mailto:kjames@wpb.org)

Mo Thornton, Secretary-Treasurer  
[mthornton@atlantisfl.gov](mailto:mthornton@atlantisfl.gov)

Hon. Steve B. Wilson  
Immediate Past President  
[dbuff@bellglade-fl.com](mailto:dbuff@bellglade-fl.com)

## 2016 Key Dates:

### January

12 Opening Day of the 2016 Regular Legislative Session

12-13 Palm Beach County Day - Tallahassee

### February

2-3 Florida League of Cities Legislative Action Days - Tallahassee

### March

11 Last Day- 2016 Legislative Session

5-9 National League of Cities Congressional City Conference, Washington, D.C.

### August

18-20 Florida League of Cities Annual Conference – Diplomat Resort, Hollywood

### November

16-19 National League of Cities Annual Congress of Cities and Exposition - Pittsburgh, PA

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The League Board of Directors and General Membership meetings are usually held on 4th Wednesdays of each month at various host city and Associate locations around Palm Beach County.

**For more information visit:**  
[www.leagueofcities.org](http://www.leagueofcities.org)



# Palm Beach County League of Cities Legislative Priorities & Issues 2016

*The League represents the thirty-eight municipalities of Palm Beach County, plus over eighty associate, government, non-profits & business organizations.*

*“Shared visions & best practices make for better communities.”*

*Visit us at...*  
[www.leagueofcities.org](http://www.leagueofcities.org)



## **The League of Cities 2016 Legislative Priorities**

The League of Cities supports legislation that strengthens municipal self-governing powers. “Home Rule,” or government closest to the citizens, is key to a successful democracy.

### **Public Records**

The League of Cities supports public records reform to discourage or eliminate schemes designed to generate violations of public records laws, as well as limit harassing or unreasonable public records requests.

### **Vacation Rentals**

The League of Cities supports legislation that repeals the state preemption of the regulation of vacation rental properties in order to allow local governments to regulate such properties to protect the health and welfare of residents, visitors and businesses.

### **Relocation of Utilities**

The League of Cities opposes legislation that mandates local governments and their taxpayers bear the cost of relocating utility equipment when the equipment is located within a public utility easement or right-of-way and needs to be relocated for public purposes.

### **Economic Development**

The League of Cities supports legislation advancing new economic incentives for distressed areas and providing increased flexibility for municipalities to enter into public-private partnership agreements.

### **Pension Plans & Benefits**

The League of Cities supports legislation that affirms the home rule powers of municipalities to establish and fund municipal employee benefit levels, and specifically provides comprehensive pension reform, disability presumption reform, and a mechanism for municipalities to revoke their election to participate in the Florida Retirement System.

### **Mandates**

The League of Cities recommends a moratorium on mandates of any kind during the 2016 legislative session. Local governments are working to maintain current service levels within the confines of an economic downturn. We request that the state legislature allow time for municipalities to focus on current requirements without added regulations.

### **Effective Growth Management**

The League of Cities will continue to monitor the effects of growth management legislation and oppose efforts that would undermine a local government’s planning and zoning authority.

### **Workforce Training**

The League of Cities supports the focus on state resources for local workforce and career training at all education levels and subsequent job placement, with particular interest to our inland port cities in Western Palm Beach County.

### **State Funding for Educational Facilities**

The League of Cities supports increased state funding for building and maintenance of educational facilities for local universities and Palm Beach County schools.

### **Amendment 1 Distribution**

The League of Cities supports using resources from Amendment 1 for enhancement of water quality and beach management.

### **Beach Management**

The League of Cities supports legislation appropriating the \$30 million annual doc stamp tax revenue to the Ecosystem Management and Restoration Trust Fund for beach preservation and repair. The League supports the elimination of redundancy in state and federal permitting, while encouraging the streamline of permit application review, which would reduce project cost, accelerate the permitting process and eliminate agency conflicts.

### **Water Quality & Supply**

The League of Cities supports legislation addressing water quality and quantity issues that affect local communities’ aquifers, surface waters and estuaries. Specifically, the League supports efforts to maintain, revitalize and protect Palm Beach County’s water quality in the Glades, flooding and water retention, and the restoration of the Loxahatchee River and Lake Worth Lagoon.

### **Septic Tanks**

The League of Cities supports financial and regulatory initiatives that prioritize and encourage properties with septic tanks to connect to centralized sewer systems, especially in areas that impact rivers, estuaries, first magnitude springs and impaired water bodies.

### **Internet Sales and Use Tax**

The League of Cities supports legislation that simplifies Florida’s Sales and Use Tax System and qualifies the state for participation in the Streamlined Sales and Use Tax Agreement, thereby making it easier for out-of-state businesses to collect and remit taxes to Florida.

### **Transportation**

The League of Cities supports legislation that preserves local control of transportation planning and provides opportunities for additional revenue options to fund municipal transportation infrastructure projects including roads and rails.

### **Communication Service & Local Business Tax**

The League of Cities supports legislation that protects the general revenues collected from the Communications Services Tax and the local business tax which are used to provide services that our citizens want and need, including public infrastructure, public safety services and public transportation infrastructure. Municipalities have absorbed significant increases in operational cost while receiving less tax revenues.

### **Gaming / Gambling**

The League of Cities supports legislation that creates a level playing field in relationship to pari-mutuel facilities in South Florida.

### **Housing & Small City CDBG Policy**

The League of Cities supports legislation maintaining dedicated funding categories for housing rehabilitation, economic development, and neighborhood and commercial revitalization, with adequate verification safeguards that ensure grants will primarily benefit low and moderate-income families.

### **Federal Legislation**

### **Residential Sober Houses**

The League of Cities supports legislation that defines and establishes minimum regulatory standards for sober home facilities and allows for more stringent local regulations of these facilities.

**Town of Loxahatchee Groves, FLORIDA**  
**Town Council**  
**AGENDA ITEM REPORT**  
**AGENDA ITEM NO. 10.a.**

MEETING DATE: 12/01/2015

**PREPARED BY:** William F. Underwood, II, Town Manager

**SUBJECT: Prepare Specific Purpose Surveys for Acquisition of Road Right-of-Way**

**1.BACKGROUND/HISTORY**

**Problem Statement:** Town Council needs to begin the process of acquiring road right-of-way

**Problem Solution:** Authorize staff to execute agreement with Town's consulting engineer to prepare specific purpose surveys for the acquisition of road right-of-way for 41 roadways totaling 9.95 Miles.

The Town Council budgeted \$100,000 in the Capital Improvement Fund to survey Town Road for filing pursuant to SS 95.361 (2)(b). Upon completion of the survey and legal description, the Town can file with the Clerk of the Court those roads under the Town's maintenance (see below).

95.361 Roads presumed to be dedicated.—

(1) When a road, constructed by a county, a municipality, or the Department of Transportation, has been maintained or repaired continuously and uninterruptedly for 4 years by the county, municipality, or the Department of Transportation, jointly or severally, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all right, title, easement, and appurtenances in and to the road in:

- (a) The county, if it is a county road;
- (b) The municipality, if it is a municipal street or road; or
- (c) The state, if it is a road in the State Highway System or State Park Road System, whether or not there is a record of a conveyance, dedication, or appropriation to the public use.

(2) In those instances where a road has been constructed by a nongovernmental entity, or where the road was not constructed by the entity currently maintaining or repairing it, or where it cannot be determined who constructed the road, and when such road has been regularly maintained or repaired for the immediate past 7 years by a county, a municipality, or the Department of Transportation, whether jointly or severally, such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway. This subsection shall not apply to an electric utility, as defined in s. [366.02\(2\)](#). The dedication shall vest all rights, title, easement, and appurtenances in and to the road in:

- (a) The county, if it is a county road;
- (b) The municipality, if it is a municipal street or road; or

(c) The state, if it is a road in the State Highway System or State Park Road System, whether or not there is a record of conveyance, dedication, or appropriation to the public use.

(3) The filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in the state, a county, or a municipality in accordance with subsection (1) or subsection (2) or by any other means of acquisition, duly certified by:

(a) The secretary of the Department of Transportation, or the secretary's designee, if the road is a road in the State Highway System or State Park Road System;

(b) The chair and clerk of the board of county commissioners of the county, if the road is a county road; or

(c) The mayor and clerk of the municipality, if the road is a municipal road or street, shall be prima facie evidence of ownership of the land by the state, county, or municipality, as the case may be.

(4) Any person, firm, corporation, or entity having or claiming any interest in and to any of the property affected by subsection (2) shall have and is hereby allowed a period of 1 year after the effective date of this subsection, or a period of 7 years after the initial date of regular maintenance or repair of the road, whichever period is greater, to file a claim in equity or with a court of law against the particular governing authority assuming jurisdiction over such property to cause a cessation of the maintenance and occupation of the property. Such timely filed and adjudicated claim shall prevent the dedication of the road to the public pursuant to subsection (2).

(5) This section does not apply to any facility of an electric utility which is located on property otherwise subject to this section.

History.—s. 110, ch. 29965, 1955; ss. 23, 35, ch. 69-106; s. 23, ch. 74-382; s. 1, ch. 77-174; s. 3, ch. 88-168; s. 529, ch. 95-147; s. 54, ch. 2003-286; s. 14, ch. 2004-366.

Note.—Former s. 337.31.

## **2.CURRENT ACTIVITY**

Staff has worked with the Town's Engineer to identify roads within close geographical proximity of each other (identified in map of project). Due to the quantity of intersects with existing lettered and sometimes non-lettered roads, the work effort is much greater than that performed by the Loxahatchee Groves Water Control District.

## **3.ATTACHMENTS**

Proposal dated November 19, 2015 – Keshavarz & Associates  
Identified Town Roads for Project  
Identified Town Roads for Project Map

## **4.FINANCIAL IMPACT**

Funding is available in the CIP Fund and this work will cost \$97,585.40, leaving a balance of \$2,414.60.

## **5.RECOMMENDED ACTION**

A motion to authorize the Town Manager to execute work authorization in an amount not to exceed \$97,585.40.



Town of Loxahatchee Groves (Client)  
155 F Road  
Loxahatchee Groves, FL 33470

November 19<sup>th</sup>, 2015

Project No. 13-1020

Attention: Mr. William F. Underwood, II, ICMA-CM

Reference: Preparation of "Maintenance Maps / Specific Purpose Surveys" for Acquisition of Road Right-of-Way for 41 Roadways Totaling 9.95 Miles of Town Roadways, Loxahatchee Groves, Florida

Dear Mr. Underwood:

Based upon your request and with utmost pleasure, we are presenting you with this proposal to perform the services associated with the Town's desire to secure the right to access public rights-of-way for roadways it currently maintains and has reportedly maintained for at least the past seven (7) years. Please refer to the attached exhibits outlining the specific roadways to be included. It is our understanding that the Town's intent is to exercise their rights as a municipality to acquire the public rights-of-way for maintained roads in accordance with the provisions of section 337.31 (renumbered 95.361), Florida Statutes 1961.

Please note that Keshavarz & Associates, Inc. (K&A) is acting strictly as the Town's Engineering / Surveying Consultant to carry out the services necessary only in those disciplines towards this effort upon the Town's interpretation of the above referenced Florida Statute. No legal interpretation or advice is or will be provided by K&A regarding the matter.

This proposal is presented to you under the auspices of the "Agreement for Professional Engineering Services for the Town of Loxahatchee Groves" currently in place between the Client and Keshavarz & Associates, Inc. (Consultant).

Our scope of services is outlined as follows:

1. Coordinate with the Town to locate the maintained limits by either the town providing maintenance personnel to work with Consultants survey crew to place a stake or other marking at the maintained limits or by the Town confirming in certain instances and on specific roadways that the outside edge, or a specific offset outside of, the apparent 'grading hump' shall be the maintained limits. The Town shall produce a statement signed by its appropriate staff that satisfies the requirements set forth in the provisions of Section 337.31 (renumbered 95.361), Florida Statutes 1961 in regards to the required signatories for "Field Maintenance Certifications" on behalf of the Town. This statement will be placed on the subject maintenance maps attesting to the Town's uninterrupted maintenance of its roadways that are the subject of this proposal.

2. Field locate the limits of the Town maintained roadway in conjunction with the town's representative using a Hyper V GPS Unit (in conjunction with the Lengemann of Florida statewide GPS Network) and a Topcon Total Station to locate the maintained limits for each of the 41 roadways. This task shall include field acquisition of state plane coordinates in the North American Datum of 1983, 2007 adjustment (SPCS NAD 83-2007) on existing section corners, horizontal control points and GPS control points, as published by Palm Beach County Engineering at <http://www.pbcgov.com/engineering/roadwayproduction/survey/> all to be within the Town of Loxahatchee Groves and more specifically to be on, and/or around the general vicinity of the assigned roadways. As such, all control points, pursuant to all of the above either found or established, shall be observed with a GPS unit a minimum of two times to attempt a high probability for a horizontal accuracy of +/- 0.12'. If the control points differ from the published value, the published value shall be held and depicted on the horizontal control map as described below within Task 4 based on the survey premise of that specific control point has an accepted and recognized position within the survey community.
3. Coordinate and combine Palm Beach County Geographic Information System (PBCGIS) parcel maps as published for download by Palm Beach County with the above described field acquisition of state plane coordinates to prepare the proposed Maintenance Map / Specific Purpose Survey to include a horizontal control map as either its own sheet or made a part thereof for the specific map associated with the specific roadway(s). The acquired state plane coordinates shall be depicted at the maintenance limits for each roadway and shall also depict a bearing and distance between each coordinate representing a change in direction of the maintenance limits.

**Should the maintenance limits significantly disagree with the PBCGIS property line locations and/or alignment, Consultant shall notify the Client. Upon request from the Client, the Consultant shall, on an hourly basis, research deeds, plats (either recorded or unrecorded) and/or right-of-way maps as researched by this office by accessing Palm Beach County Property Appraisers (PAPA), Clerk of the Circuit Court, Palm Beach County Engineering / Surveying Departments and/or "Labins" websites to assist in resolving any discrepancies. This effort may also require the need to engage a Title Company/Agent and / or attorney.**

4. Coordinate with Town Manager and Town Attorney as needed to include language on the maintenance maps to satisfy the requirements of the provisions of section 337.31 (renumbered 95.361), Florida Statutes 1961 with respect to required signatories for 'field maintenance certifications' on behalf of the Town.
5. Coordinate with the Town Staff to execute mylars of the Maintenance Map / Specific Purpose Survey for recordation (by others) with Palm Beach County to obtain official Road Plat Book number(s) and Page(s). Recording fees are not included in this proposal and shall be paid for by the Town as a direct reimbursable.

Our fees for the services outlined above shall be as follows:

Maintenance Maps / Specific Purpose Survey .....	\$ 93,585.40
Estimated Direct Expenses .....	<u>\$ 4,000.00</u>
<b>TOTAL .....</b>	<b>\$ 97,585.40</b>

General Consulting Services / Meeting Attendance, which includes any services not included in this proposal but requested by Client or his agents shall be performed on an agreed upon fixed fee or time and material basis in accordance with the "Agreement for Professional Engineering Services for the Town of Loxahatchee Groves" executed on July 24<sup>th</sup>, 2013.

As a notice to proceed, please sign one copy of the attached Authorization Statement and return it to our office.

We certainly appreciate the opportunity to present you with this proposal. Upon authorization, we will do our best to be an effective member of your development team.

Respectfully,  
KESHAVARZ & ASSOCIATES, INC.



Scott F. Bryson, P.S.M.  
Vice President of Surveying



**AUTHORIZATION STATEMENT**

**PROFESSIONAL SURVEYING SERVICES**

for

**Preparation of  
"Maintenance Maps / Specific Purpose Surveys"  
for Acquisition of Road Right-of-Way for  
Town Roadways**

**Loxahatchee Groves, Florida**

I hereby acknowledge and agree with all the conditions reflected in the attached proposal dated November 19, 2015, together with the "Contract Provisions" and authorize the commencement of work by Keshavarz & Associates, Inc. by my signature as the representative of the entity responsible for payment of invoices for the described task.

NAME AND TITLE: \_\_\_\_\_

ACKNOWLEDGMENT: \_\_\_\_\_

DATE: \_\_\_\_\_

Town Road Mileage Chart  
2015

TOWN ROAD NAME	PLAT DESIGNATION	ROAD MILEAGE	LANE MILEAGE
11TH TERRACE	BLOCK C	0.208	
12TH PLACE NORTH	BLOCK E	0.397	
14TH PLACE NORTH	BLOCK E	0.171	
17TH ROAD NORTH	BLOCK B	0.118	
21ST ROAD NORTH	BLOCK C	0.132	
22ND COURT NORTH	BLOCK F/FOLSOM	0.275	
22ND ROAD NORTH **	BLOCK C (C ROAD)	0.221	
22ND ROAD NORTH	BLOCK E (E ROAD)	0.138	
22ND ROAD NORTH	BLOCK F (F ROAD)	0.194	
23RD COURT NORTH	BLOCK E	0.173	
24TH CIRCLE NORTH	BLOCK C	0.247	
24TH COURT NORTH	BLOCK C (C ROAD)	0.255	
24TH COURT NORTH **	BLOCK D (E ROAD)	0.194	
24TH COURT NORTH	BLOCK E (WEST F)	0.224	
24TH COURT NORTH	BLOCK F (EAST F)	0.367	
BUNNY LANE	BLOCK C	0.183	
(WILSON) CASEY ROAD	BLOCK F	0.733	
CITRUS DRIVE	BLOCK K	0.238	
EAST CITRUS DRIVE	BLOCK K	0.495	
EDITH ROAD	BLOCK E	0.191	
FARLEY ROAD	BLOCK E	0.191	
FLAMINGO DRIVE	BLOCK C	0.135	
FOREST LANE	BLOCK B	0.209	
FOX TRAIL	BLOCK E	0.193	
GRUBER LANE	BLOCK C	0.497	
HYDE PARK ROAD	BLOCK E	0.447	
KERRY LANE	BLOCK E	0.257	
LOS ANGELES DRIVE	BLOCK B	0.214	
LOXAHATCHEE AVENUE	BLOCK K	0.175	
MORROW COURT	BLOCK B	0.193	
PARADISE TRAIL	BLOCK C	0.150	
RACKLEY ROAD	BLOCK F	0.140	
RAYMOND DRIVE **	BLOCK F	0.327	
ROBERTS WAY	BLOCK B	0.195	
SAN DIEGO DRIVE	BLOCK B	0.214	
SCOTTS PLACE	BLOCK B	0.205	
TANGERINE DRIVE	BLOCK K	0.514	
TEMPLE DRIVE	BLOCK I	0.082	
TIMBERLANE PLACE	BLOCK B	0.119	
VALENCIA DRIVE	BLOCK K	0.125	
WILLIAMS DRIVE	BLOCK B	0.211	

9.947



**From:** Lisa Dudding [mailto:Lisa@southfloridafair.com]  
**Sent:** Monday, November 16, 2015 12:27 PM  
**To:** William (Bill) Underwood, II  
**Subject:** FW: FREE EXHIBIT LOCATION DURING SOUTH FLORIDA FAIR

Dear Community Leader:

On January 15, 2016, the South Florida Fair will open its doors for the 104<sup>th</sup> time. The theme of the Fair is “Discover the Palm Beaches” and we are working closely with the Tourist Development Council and its agencies, as well as the business and agriculture communities, to produce an outstanding Exposition that will showcase the tremendous beauty and assets of the County in which we live.

This year to enhance the theme, we are offering all Palm Beach County municipalities a FREE space at the Fair to highlight everything you feel makes your area special. The display does not have to be manned – but certainly can be on the days you choose to interact with the Fair visitors.

We will be holding three informational meetings so we can provide you (or your designee) with further details and see the exhibit location. Please make every effort to have someone from your municipality attend on your behalf. This is an exceptional opportunity to show our over 500,000 visitors to the Fair all of the amazing aspects of Palm Beach County.

The meeting dates and times are:

- Monday, November 23 at 4:00 p.m.
- Tuesday, December 8 at 8:30 a.m.
- Wednesday, December 9 at 4:00 p.m.

The meetings will take place at the South Florida Fairgrounds conference room located in the Exposition Center/Admin Building. Enter Gate 10 from Fairgrounds Road and the guard will direct you. Kindly let me know by response to this email which meeting you will have someone in attendance. If for some reason, you are unable to attend one of these meetings, you are more than welcome to give me a call at the numbers below and we can schedule an individual site visit.

Victoria A. Chouris  
Vice President/COO  
South Florida Fair and Palm Beach County Expositions, Inc.  
P. O. Box 210367  
West Palm Beach, FL 33421  
Office – 561-790-5215  
Cell – 561-685-3257  
Fax – 561-790-5210



JANUARY 15-JANUARY 31