



155 F Road Loxahatchee Groves, FL 33470

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

**FROM: Elizabeth Lenihan, Town Attorney**

**VIA: Francine L. Ramaglia, Town Manager**

**DATE: October 17, 2023**

**SUBJECT: Consideration of *Ordinance No. 2023-07* regarding designation of the Land Planning Agency – First Reading**

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**Background:**

On October 3, 2023, Town Council gave direction for staff to prepare an Ordinance to designate the Town Council, rather than the Planning and Zoning Board, as the local Land Planning Agency due to timing concerns with processing amendments to the Town's Unified Land Development Code (ULDC). Pursuant to Sec. 163.3174(4), Fla. Stat., the local Land Planning Agency is generally required to be responsible for preparation of the comprehensive plan and amendments thereto; monitor the effectiveness of the comprehensive plan and recommend amendments thereto; review proposed amendments to the ULDC; and perform other duties assigned by Town Council. The requirement of the Land Planning Agency to review proposed amendments to the ULDC does not exist if another entity has been designated as the land development regulation commission, and the Town's Code does not require review by both the Land Planning Agency and the land development regulation commission.

Section 34-1 of the Town's Code designates the Planning and Zoning Board as the Land Planning Agency and designates Town Council as the land development regulation commission. It goes on to specify that the Planning and Zoning Board has authority to hear and make recommendations on amendments to the ULDC only upon referral by Town Council. Therefore, it appears that the requested change to designate the Town Council, rather than the Planning and Zoning Board, as the Land Planning Agency is not necessary if the reason for this is to timely process amendments to the Town's ULDC. However, making the change is within the Town Council's discretion.

The Planning and Zoning Board, including its role as the Land Planning Agency, has the responsibility to prepare, review, monitor, and recommend amendments to the Town's comprehensive plan; and review and make recommendations on development matters, most of which are quasi-judicial in nature such as rezonings, site plans, conditional uses, special exceptions, variances, special permits, nonconforming uses, administrative appeals, and amendments to zoning ordinances.



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**Recommendation:**

Town Council should consider whether to adopt or not adopt proposed *Ordinance No. 2023-07* regarding designation of the Land Planning Agency on first reading.