

ORDINANCE NO. 2019-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA TO DESIGNATE THE PLANNING AND ZONING BOARD AS THE TOWN'S LOCAL PLANNING AGENCY PURSUANT TO SECTION 163.3174, FLORIDA STATUTES; AMENDING SECTION 2 OF ORDINANCE 2018-03, WHICH ESTABLISHED THE TOWN COUNCIL AS THE LOCAL PLANNING AGENCY, TO DESIGNATE THE PLANNING AND ZONING BOARD AS THE TOWN'S LOCAL PLANNING AGENCY; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, in 2011, the Town Council of the Town of Loxahatchee Groves adopted Ordinance 2011-011 which established the Town's Planning and Zoning Board and designated the Planning and Zoning Board as the Town's Local Planning Agency (LPA); and,

WHEREAS, in 2012, the Town Council adopted Ordinance 2012-02, and in 2015 the Town Council adopted Ordinance 2015-02 relating to participation by alternate members and terms of office; and,

WHEREAS, in 2018, the Town Council adopted Ordinance 2018-03 which designated the Town Council as the LPA; and,

WHEREAS, Section 163.3174(1), Florida Statutes, authorizes the Town Council to designate the Planning and Zoning Board to be the Town's Local Planning Agency; and,

WHEREAS, the Town Council finds it is in the best interest of the Town to designate the Planning and Zoning Board as the Town's LPA and to amend Ordinance 2018-03 and remove that designation from the Town Council.

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

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

Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 6th DAY OF AUGUST 2019.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DAVE DEMAROIS, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PHYLLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LISA EL-RAMEY, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 3rd DAY OF OCTOBER 2019.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

W Shorr
Mayor Robert Shorr

Lakisha Burch
Lakisha Burch, Town Clerk

David DeMarios
Vice Mayor David DeMarios
Laura Danowski
Council Member Laura Danowski

APPROVED AS T LEGAL FORM:

R. Brian Shutt
R. Brian Shutt, Town Attorney

Lisa El-Ramey
Council Member Lisa El-Ramey
Phyllis Maniglia
Council Member Phyllis Maniglia

TOWN OF LOXAHATACHEE GROVES

ORDINANCE NO. 2011-011

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF THE PLANNING AND ZONING BOARD; PROVIDING COMPOSITION AND TERM OF OFFICE FOR MEMBERS OF THE BOARD; PROVIDING FOR PROCEDURAL AND ADMINISTRATIVE MATTERS RELATING TO THE BOARD; DESIGNATING THE BOARD AS THE TOWN'S LOCAL PLANNING AGENCY; PROVIDING POWERS AND DUTIES, AND THAT THE BOARD ACTS SOLELY IN AN ADVISORY MANNER; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves finds that it is in the best interest of the Town to establish a Planning and Zoning Board; and,

WHEREAS, the Planning and Zoning Board is intended to provide the Town Council with recommendations as an advisory board on planning and zoning related matters, including without limitation recommendations on development applications; and,

WHEREAS, the Town Council finds it is in the best interest of the Town to designate the Planning and Zoning Board as the Town's Local Planning Agency pursuant to Section 163.3174, Florida Statutes.

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

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

Section 2: The Town Council of the Town of Loxahatchee Groves hereby adopts a Chapter within the Town's Code of Ordinances, entitled "PLANNING AND ZONING BOARD," which will read as follows:

Sec. - Composition and term of office.

(1) The Planning and Zoning Board shall be composed of five members, and two alternate members placed in office in accordance with the following procedure:

TOWN OF LOXAHATACHEE GROVES

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(a) Each member of the Town Council, following his or her election or reelection to office, shall nominate a qualified citizen for appointment to the Planning and Zoning Board by the Town Council, to serve a term of three years.

(b) Two alternative members, designated as alternate no. 1 and alternate no. 2, shall be appointed by the Town Council each year to serve one-year terms. Alternate members shall participate and vote as members of the Board, in their designated order, whenever any regular member of the Board is absent.

(2) Members of the Planning and Zoning Board shall be appointed from the residents of the Town who shall be knowledgeable concerning the functions of municipal government, planning and zoning matters and municipal development, as well as, from professions associated with development including without limitation architects, planners, attorneys, engineers and contractors. Board members shall hold no other Town office or position.

(3) Three members of the Planning and Zoning Board who are in attendance shall constitute a quorum for purpose of convening a meeting and transacting the business at hand.

(4) Vacancies on the Planning and Zoning Board shall be filled by appointment by the Town Council for the unexpired term of the membership vacated. Nomination for such appointment shall be made by the councilmember who nominated the vacating Board member; except that if an alternate member should vacate his position, any member of the Town Council may nominate a qualified citizen for appointment to such position, which must be approved by the Town Council.

(5) The Town Council shall have the authority to remove any member of the Planning and Zoning Board from his or her office for cause whenever, after due notice of hearing at a regular or special meeting of the Town Council, a majority of the council votes for such removal. Causes for removal shall include absence from five (5) consecutive Board meetings without valid excuse as determined by the Town Council.

(6) Compensation. The members of the Planning Board shall serve without compensation but shall be reimbursed for any expenses authorized by the Town Council, which may be incurred in the performance of their duties.

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(7) Organizational meeting. The initial organizational meeting of the Board shall occur at the first meeting of the Board following the appointment of Board members by the Town Council. Thereafter, the Board meeting in April of each year shall be designated an organizational meeting for the purpose of electing a chairman and vice-chair, who shall be elected for terms of one year by the Board from its membership.

Sec. . – Business meetings and procedures.

(1) The conduct of Planning and Zoning Board business and holding of hearings shall be governed by Robert's Rules of Order and such other rules of procedure as the Town Council may determine to be necessary.

(2) The Board shall meet once each month for the transaction of its business; provided that a meeting may be cancelled by the Town Manager when no business is pending. Special meetings may be called by the Town Manager, when in the opinion of the Town Manager, there are conditions of such urgency as to justify special meeting, provided that at least 48 hours' notice shall be given each member prior to the time set for such special meeting and that any statutory or Town code notice time-frames are met. The Board may schedule additional meetings as it deems necessary to conduct its business, training and other related matters.

(3) There shall be an official agenda for each regular meeting of the Planning and Zoning Board which shall determine the matters of business to be considered at each meeting and the order in which such items shall be presented. Preparation of the agenda shall be the responsibility of the Town Manager.

(4) Decisions of the Board shall be determined by motions duly made and seconded and carried by a majority vote of the members present. Minutes shall be kept of all meetings and proceedings and shall include and state the vote of each member on each question. The motion shall state the reason upon which it is made, such reason being based upon the prescribed guides and standards of good planning and zoning principles. Copies of the agenda, together with copies of documents and papers relative thereto, shall be made available for review by Board members in the Town Hall as far in advance of the meeting as time for preparation will permit.

Sec. . – Administrative assistance.

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(1) The Town Manager shall provide such staff and clerical assistance as the Planning and Zoning Board may require for the reasonable performance of its duties, including a recording secretary. The Town's Planner shall advise and assist the Board in all of its presentations, hearings, and deliberations on matters pertinent and relative thereto.

(2) The Board, through its chairman, may call upon any department, agency, or officer of the Town for information or advice in the promotion of its work.

(3) The Town Attorney shall provide legal representation to the Board at the request of the Town Manager.

Sec. ____ - Local Planning Agency.

(1) The Planning and Zoning Board shall serve as the designated local planning agency in accordance with the requirements of F.S. §163.3174. The Board shall make recommendations to the Town Council regarding the adoption of amendments to the plan or elements or portions thereof.

Sec. ____ . Powers and Duties.

(1) The Planning and Zoning Board shall hear and make recommendations to the Town Council as to findings of fact on applications for:

(a) Re-zoning applicants.

(b) Zoning ordinance amendments.

(c) Site plans

(d) Conditional Uses

(e) Special exceptions permitted within each zoning district

(f) Variances

(g) Administrative Appeals

(h) Special permits and nonconforming uses.

(i) Any other planning or zoning related matter referred to it by the Town Council.

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(2) After hearing any of the above applications, the Board may recommend appropriate conditions, restrictions, limitations and safeguards it deems necessary, consistent with applicable law.

(3) The Board shall perform such other duties and special assignments as may be directed by the Town Council.

Sec. . Planning and Zoning Board Advisory Only.

The actions, decisions and recommendations of the Planning and Zoning Board shall not be final or binding on the Town Council but shall be advisory only.

Section 3. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4: Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5: Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

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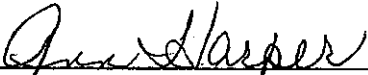
Section 6: Effective Date. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 5th DAY OF July, 2011.

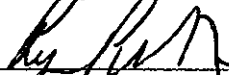
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 19th DAY OF July, 2011.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

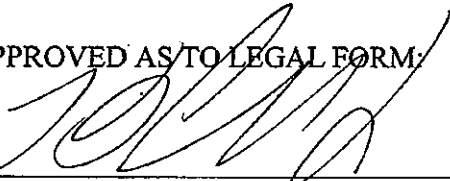
ATTEST:


Arin Harper, Town Clerk

 ABSENT
Mayor David Browning


Vice Mayor Ryan Liang

APPROVED AS TO LEGAL FORM:


Michael D. Cirullo, Jr., Town Attorney


Tom Goltzené, Council Member


Ron Garriel, Council Member


Jim Rockett, Council Member

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