

**ORDINANCE NO. 2021-10**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION”, ARTICLE II “TOWN COUNCIL” BY ADDING A NEW SECTION 2-20 “ELECTION QUALIFYING” OF THE LOXAHATCHEE GROVES CODE PROVIDING FOR THE CANDIDATE QUALIFYING PERIOD; AND PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Loxahatchee Groves, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, in accordance with section 7 of the Town Charter, the Town’s general elections are held on the second Tuesday in March of each calendar year; and

**WHEREAS**, the Palm Beach County Supervisor of Elections (the “Supervisor”) has provided notice to all Palm Beach County municipalities whose elections are scheduled in March, that they will be required to move their candidate qualifying periods so that all municipal candidate names may be provided to the Supervisor on or before 95 days prior to the municipal election date; and

**WHEREAS**, subsection 166.021(4), Florida Statutes, and subsection 100.3605(2), Florida Statutes, allows a municipality to change the dates for qualifying and the dates for the election of members of a governing body by ordinance; and

**WHEREAS**, at the Town’s next municipal election, scheduled to be held on March 8, 2022, the electors will consider a referendum question to remove the election qualifying period from the Town Charter and move it to the Loxahatchee Groves Code; and

**WHEREAS**, the Town Council wishes to adopt an ordinance setting the Town’s candidate qualifying period for municipal elections from 12:00 p.m. on second Tuesday in

November through 12:00 p.m. on the fourth Tuesday in November of the year preceding the calendar year in which the election is to be held, effective upon approval of the referendum question by the electors removing the qualifying period from the Town Charter; and

**WHEREAS**, the Town Council believes that this Ordinance is in the best interest of the Town of Loxahatchee Groves.

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

**Section 1.** The foregoing recitals are hereby fully incorporated herein by reference as true and correct and as the legislative findings of the Town Council.

**Section 2:** Chapter 2 “Administration”, Article II “Town Council” is hereby amended by adding thereto a new Section 2-20 “Election Qualifying” to read as follows:

**Sec. 2-20. – Election qualifying.**

Any resident of the town who wishes to become a candidate for a council member seat shall qualify with the town clerk no sooner than noon on the second Tuesday of November, no later than noon on the third Tuesday in November, of the year preceding the calendar year in which the election is to be held. The names of all candidates shall be received by the supervisor of elections of the county from the town clerk by 5:00 p.m. on the first Monday after the close of qualifying or no later than 5:00 p.m. on the 95th day before the municipal election date.

**Section 3:** **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. Codification.** The sections of the ordinance may be made a part of the Town’s Charter and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective immediately upon approval by the electors of the referendum to be held March 8, 2021 removing the qualifying period from the Town Charter.

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

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 5<sup>th</sup> DAY OF October, 2021.**

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGE HERZOG, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

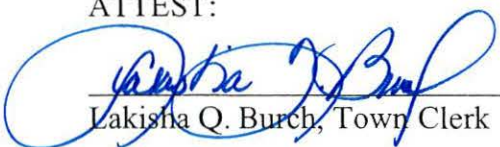
Council Member Maniglia offered the foregoing ordinance. Council Member Herzog seconded the motion, and upon being put to a vote, the vote was as follows:


**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 2<sup>nd</sup> DAY OF November, 2021.**

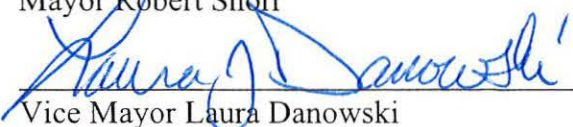
	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGE HERZOG, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**TOWN OF LOXAHATCHEE GROVES, FLORIDA**

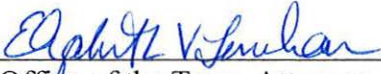
ATTEST:

  
Lakisha Q. Burch, Town Clerk

  
Mayor Robert Shorr

  
Vice Mayor Laura Danowski

APPROVED AS TO LEGAL FORM:

  
Office of the Town Attorney

  
Council Member Marge Herzog

  
Council Member Phillis Maniglia

  
Council Member Marianne Miles

## PROOF OF PUBLICATION STATE OF FLORIDA

### PUBLIC NOTICE

Before the undersigned authority, personally appeared Teal Pontarelli, who on oath, says that he/she is a Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published in West Palm Beach and distributed in Palm Beach County, Martin County, and St. Lucie County, Florida; that the attached copy of advertising for a P-Main Legal ROP was published in said newspaper on: first date of Publication 04/23/2021 and last date of Publication 04/23/2021. Affiant further says that the said The Palm Beach Post is a newspaper published in West Palm Beach, in said Palm Beach County, Florida and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

LOXAHATCHEE GROVES TOWN OF  
155 F RD  
LOXAHATCHEE GROVES, FL 33470-4949

Invoice/Order Number:	0000637155
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Paid:	\$0.00
Balance Due:	\$700.00

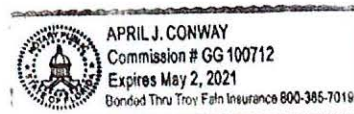
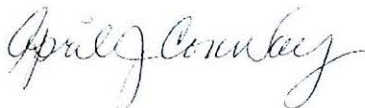
Signed



(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 23rd day of April, 2021 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed



Please see Ad on following page(s).

Invoice/Order Number: 0000637155  
Ad Cost: \$700.00  
Paid: \$0.00  
Balance Due: \$700.00

## **NOTICE OF PROPOSED UNIFIED LAND DEVELOPMENT CODE (ULDC) TEXT AMENDMENT**

The Town Council of the Town of Loxahatchee Groves will consider adoption of Ordinance 2021-02 on Second Reading amending the text of the Unified Land Development Code (ULDC):

### **ORDINANCE 2021-02**

**UNIFIED LAND DEVELOPMENT CODE AMENDMENTS PROPOSED BY MR. JAMES LOCKHART TO: (1) REVISE ARTICLE 10 DEFINITIONS, ABBREVIATIONS AND CONSTRUCTION OF TERMS TO ADD THE DEFINITION OF LIMITED ACCESS INDOOR SELF-STORAGE FACILITY; (2) AMEND ARTICLE 25 COMMERCIAL ZONING DISTRICTS SECTION 25-015 PERMITTED USES TO REVISE THE WAREHOUSE, SELF-STORAGE USE TO READ LIMITED ACCESS INDOOR SELF-STORAGE FACILITY PERMITTED WITH A CATEGORY "A" SPECIAL EXCEPTION APPROVAL, SUBJECT TO SECTION 80-075 LIMITED ACCESS INDOOR SELF-STORAGE FACILITY; AND (3) ADD ARTICLE 80 CONDITIONAL USES SECTION 80-075 LIMITED ACCESS INDOOR SELF-STORAGE FACILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Town Council of the Town of Loxahatchee Groves will conduct a Public Hearing on Tuesday, May 4, 2021 commencing at 7:00 p.m. to discuss proposed Ordinance 2021-02 to revise the Town of Loxahatchee Groves Unified Land Development Code. The Public Hearing of the Town Council shall be held at the Loxahatchee Groves Town Hall, 155 "F" Road Loxahatchee Groves, FL 33470. Following the Public Hearing, the Town Council will consider Second Reading to approve, approve with conditions, or deny proposed Ordinance 2021-02.

Palm Beach County entered modified "Phase 2" Covid-19 public protocols. A limited public audience can be accommodated in Town Hall (max 12-person audience w/mandatory masks, social distancing, and first come/first serve seating). Public comment is also accepted by writing the Clerk's office. This meeting will be streamed and close-captioned as normal. Access instructions are posted on website.

All interested parties please take due notice of the time and place of this hearing and govern yourself accordingly. The Town's Quasi Judicial procedures are provided in Section 120-025 of the Town's Unified Land Development Code.

Public Comment for this meeting may be received by email, or in writing to the Town Clerk's Office up until 5:00 p.m. on the day of the hearing. Comments received will be filed and as part of the official public record for the hearing.

If a person decides to appeal any decision of the Town Council with respect to any matter considered at this meeting, the person will need a record of the proceedings and that, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which an appeal is to be based (FS 286.0105).

**Publish: April 23, 2021.**

WC-0000371-55-01