

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2007-13**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ENACTING A NEW SECTION OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "PUBLIC NOTICE; ADVERTISING COST RECOVERY"; TO PROVIDE FOR THE APPLICANT SEEKING LAND DEVELOPMENT APPROVAL TO PAY THE COST OF ADVERTISING ASSOCIATED WITH THE REQUIRED PUBLICATION OF PUBLIC NOTICE FOR LAND DEVELOPMENT APPLICATIONS SUBJECT TO APPROVAL BY THE TOWN COUNCIL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the requirements of Chapter 2006-328, Laws of Florida, (the "Town Charter") the Town of Loxahatchee Groves (the "Town") on October 10, 2006, the voters within the area of unincorporated Palm Beach County known as Loxahatchee Groves voted to incorporate as the Town of Loxahatchee Groves; and

**WHEREAS**, pursuant to Chapter 166, Florida Statutes, and the Town Charter, the Town has the authority to take action which is not inconsistent with Florida law, and to enact its own Code of Ordinances; and

**WHEREAS**, pursuant to the Town's Charter, the Palm Beach County Code of Ordinances as it existed on October 12, 2006, is the applicable Code of Ordinances which currently govern activity within the Town; and

**WHEREAS**, the Town desires to have any land owner or developer pay the cost associated with placing a public notice in a newspaper of general circulation in association with the consideration of an application for development approval, including,

but not limited to land use plan amendments, rezonings, variances, site plans, and other land development applications; and

**WHEREAS**, the Town Council, in an effort to insure that Town recovers any costs associated with the publication of any advertisement related to a public hearing for a land development application, desires to adopt an ordinance to require that the applicant seeking approval of a land development application from the Town Council or Town staff to have to pay the publication costs associated with the publication of the public notice that is required by Federal, State, or local law; and

**WHEREAS**, the Town Council finds that the adoption of this Ordinance is in the best interest of the health, safety, and welfare of the citizens and residents of the Town.

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

**Section 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

**Section 2.** That the Town of Loxahatchee Groves Code of Ordinances, is hereby amended by enacting a new section entitled "Advertising Cost Recovery", to read as follows:

1. In the event the Town, pursuant to Federal, State, or local law, is required to publish a public notice in a newspaper of general circulation to advertise a public hearing associated with the Town Council's consideration of a land development application.
2. For purposes of this Section, the term "land development application" shall include, but not be limited to land use plan amendments, rezonings, variances, site plans, and other land development applications. The applicant shall be required to submit the advertising cost recovery payment to the Town no later

than five (5) business days prior to the public hearing. If the applicant fails to make the payment, the Town Council shall remove the public hearing from the agenda.

3. The applicant will then be required to make the payment for the advertisement, and pay the cost for any subsequent advertisement, in advance, prior to the Town Council placing the applicant's land development application on another Town Council agenda.

**Section 3.** That the Code of Ordinances and the Uniform Land Development Code for the Town of Loxahatchee Groves shall be amended to replace any reference to a "Board", "Committee", or "Commission", and in place of such references, insert the "Town Council for the Town of Loxahatchee Groves".

**Section 4.** Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves, Florida that the provisions of this Ordinance shall become and be made a part of the Town's Code of Ordinances and the Town's Uniform Land Development Code. The sections of this Ordinance may be re-numbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article" or other such word or phrase in order to accomplish such intention.

**Section 5.** 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 6.** Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 7. Effective Date.** This Ordinance shall take effect immediately upon passage.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 2<sup>th</sup> DAY OF November, 2007.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 20<sup>th</sup> DAY OF November, 2007.**

David Browning  
DAVID BROWNING, MAYOR

ATTEST:

Matthew Lippman  
MATTHEW LIPPMAN, INTERIM TOWN CLERK

APPROVED AS TO FORM:

DNT  
OFFICE OF THE TOWN ATTORNEY

DNT:dnt

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STATE OF FLORIDA  
COUNTY OF Falm Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:  
Ordinance 2007-13  
as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this 20<sup>th</sup> day of November A.D. 2007

TOWN OF Loxahatchee Groves  
BY: Matthew Lippman