

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2008-011

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR SPECIFIC EXEMPTIONS TO THE TOWN'S MORATORIUM ORDINANCE, TO PERMIT PROPERTY OWNERS TO SUBMIT APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS FOR LAND USE PLAN AMENDMENTS, AND TO PERMIT PROPERTY OWNERS TO SUBMIT LAND DEVELOPMENT APPLICATIONS THAT MAY BE NECESSARY TO PROVIDE FOR THE ELIMINATION OF NON-CONFORMING USES ON PROPERTY LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVING 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, as provided in the Town Charter, the Palm Beach County Comprehensive Plan is the Town's interim Comprehensive Plan while the Town prepares it own Comprehensive Plan; and,

WHEREAS, on November 20, 2007, the Town Council of the Town of Loxahatchee Groves adopted Ordinance No. 2007-07 which imposed a Moratorium on the processing of certain applications for development orders and development permits as specified in the Ordinance, as well as applications for amendments to the Town's Comprehensive Plan within the Town, in order to provide the Town a period of time to transmit and develop its own Comprehensive Plan and Land Development Regulations; and

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WHEREAS, the Town has historically been viewed as primarily a rural area, and currently has a population of approximately 3,300 persons;

WHEREAS, over the past several years the area within the Town has experienced pressures to develop higher density residential, commercial, and industrial uses; and,

WHEREAS, large areas of the Town remain either undeveloped or designated in the current future land use map as agricultural; and,

WHEREAS, the Town expects the unprecedented growth to continue for several years, with expected pressures to develop higher density residential, commercial, and industrial uses within the Town which threaten the Town's historical rural character and lifestyle; and,

WHEREAS, the development pressures within the Town has and will continue to create significant development-related problems related to schools, parks, traffic and roadways, and the delivery of municipal services; and,

WHEREAS, the Town is developing a Comprehensive Plan that will provide appropriate goals and objectives designed to address the expected continuing record development within the Town; and,

WHEREAS, it is anticipated that portions of the Town's future Comprehensive Plan will differ from the County Comprehensive Plan and that the continued processing of applications for certain development orders and permits under the County Comprehensive Plan, and amendments to the current Comprehensive Plan, may result in development inconsistent with the Town's ultimately adopted Town Comprehensive Plan; and,

WHEREAS, the adoption and extension of the moratorium on the processing of applications for certain development orders and permits and amendments to the current

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Comprehensive Plan will provide the Town time to prepare and adopt its own Comprehensive Plan and avoid continuing development that may be inconsistent with the ultimately adopted Town Comprehensive Plan; and,

WHEREAS, certain properties have been identified through the code enforcement process as not being in compliance with the Town's Uniform Land Development Code; however, due to the moratorium, the property owners have been unable to apply for development permits that are necessary to bring their properties into compliance; and

WHEREAS, the Town Council desires to provide an exemption to the moratorium in order to permit property owners to apply for development permits that may be necessary to bring their property into compliance with the Town's Uniform Land Development Code; and

WHEREAS, due to the time that is necessary to review and consider a land use plan amendment, the Town Council further desires to permit property owners to submit applications for land use plan amendments in anticipation of the adoption of the Town's Comprehensive Plan, subject to the limitations contained herein; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has determined that it is in the best interests of the citizens of the Town of Loxahatchee Groves to provide for the exemptions to the moratorium that are contained in this ordinance; and

WHEREAS, the Town Council finds that the establishment of these additional exemptions to the moratorium is in the best interest of the health, safety and welfare of the Town residents.

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

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Section 1. The foregoing “Whereas” clauses 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. That Section 3.c. of Ordinance No. 2007-07 of the Town of Loxahatchee Groves is hereby amended to provide for the following exemptions:

19. Applications for amendments to the Town’s Future Land Use Map may be submitted for consideration. The Town is under no obligation to approve, or transmit the land use plan amendment to the Department of Community Affairs until such time as the Town has adopted its Comprehensive Plan.

20. Applications for development orders and permits which are necessary to bring a non-conforming use into compliance with the Unified Land Development Code, or to obtain approval for the continued operation of the non-conforming use.

Section 3. Repeal of Laws in Conflict. All Ordinances or part of Ordinances in conflict herewith are in 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. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

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PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 16th DAY OF December, 2008.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 16th DAY OF January, 2009.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Matthew Lynn
TOWN CLERK or Authorized Representative

David Browning
Mayor David Browning

Marc Herzog
Vice Mayor

[Signature]
Council Member

APPROVED AS TO LEGAL FORM:

[Signature]
Office of the Town Attorney

[Signature]
Council Member

[Signature]
Council Member

DNT:dnt
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