

**TOWN OF LOXAHATACHEE GROVES**

**ORDINANCE 2011-001**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE CURRENTLY EFFECTIVE COMPREHENSIVE PLAN TO REVISE THE MULTIPLE LAND USE (MLU) FUTURE LAND USE CATEGORY TO BETTER REFLECT THE CHARACTER AND CIRCUMSTANCES OF THE TOWN, TO REVISE SECTION ILC.10: MULTIPLE LAND USE DEVELOPMENT OF THE FUTURE LAND USE ELEMENT AND TO CREATE OBJECTIVE 2.10: SPECIAL LAND USE POLICIES TO THE FUTURE LAND USE ELEMENT; PROVIDING FOR AMENDMENT TO THE COMPREHENSIVE PLAN TO REFLECT SUCH CHANGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, provisions of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 require adoption of a comprehensive plan; and,

**WHEREAS**, the Town of Loxahatchee Groves, Florida, pursuant to the Local Government Comprehensive Planning Act, and in accordance with all of its terms and provisions, has prepared and adopted a Comprehensive Plan which has been submitted to, and found to be “in compliance” by, the State Department of Community Affairs (DCA); and,

**WHEREAS**, as a result of a pending administrative challenge to the Town’s adopted comprehensive plan, the Town’s adopted comprehensive plan has not yet become effective, and the currently effective plan is the Palm Beach County Comprehensive Plan; and,

**WHEREAS**, the DCA has advised the Town that any review of land use amendments transmitted to them prior to the Town’s adopted comprehensive plan being in effect will be reviewed as an amendment to the Palm Beach County Comprehensive Plan, and once the

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Town's adopted comprehensive plan becomes effective the application will need to be reviewed based upon the Town's adopted comprehensive plan; and,

**WHEREAS**, the Town has received applications for land use amendments from two property owners at Southern Boulevard and "B" Road, and the development concepts proposed by the applicants include multiple land uses; and,

**WHEREAS**, the Town's Planning Consultant has reviewed the Town's effective and adopted comprehensive plans, and believes that an amendment to the Multiple Land Use Category within the Town's effective Comprehensive Plan would provide a beneficial and useful planning tool to implement planning directives within large parcels in the Town and would better reflect the character and development circumstances within the Town, including without limitation site plan flexibility; and,

**WHEREAS**, the Town's Planning Consultant recommends that the two land use amendment applications be reviewed and implemented using the Multiple Land Use Category as amended herein; and,

**WHEREAS**, the Town's Planning Consultant recommends the transmittal of this Comprehensive Plan Amendment, consistent with his recommendations, to the DCA and all other agencies having jurisdiction over the Amendment for their review; and

**WHEREAS**, the Local Planning Agency of the Town of Loxahatchee Groves has reviewed this Comprehensive Plan Amendment on February 1, 2011, the records of which are incorporated herein and made specific part thereof, and recommended that the Town Council

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formally transmit the Amendment to the DCA and all other jurisdictional agencies for their review; and

**WHEREAS**, this Amendment will be transmitted to the DCA for review and all other agencies having jurisdiction over the Amendment for review and comments, all as provided by law; and

**WHEREAS**, the Local Planning Agency and the Town Council of the Town of Loxahatchee Groves have conducted public hearings on this Amendment to the Town of Loxahatchee Groves' effective Comprehensive Plan; and,

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves has deemed it to be in the best interest of the citizens and residents of the Town of Loxahatchee Groves to adopt an Amendment to the Multiple Land Use Category in the Town's currently effective plan in accordance with Chapter 163, Florida Statutes, to better reflect the Town's character and current circumstances, as recommended by the Town's Planning Consultant.

**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 the Ordinance upon adoption hereof; all exhibits attached hereto or referenced herein are incorporated herein and made a specific part of this Ordinance.

**SECTION 2:** The Town Council has reviewed the application as the Local Planning Agency and the governing board of the Town, and finds the Amendment, as approved

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herein, is consistent with the goals, objectives and policies of the currently effective comprehensive plan.

**SECTION 3:** That the Town Council approves and adopts the recommendations of the Town's Planning Consultant, which are incorporated herein.

**SECTION 4:** That the amendment to the certified Comprehensive Plan of the Town of Loxahatchee Groves (Amendment No. 11-1.1A) reviewed by the Town's Planning Consultant, the Town Council in its capacity as the Local Planning Agency, and approved by the Town Council in its capacity as the governing body of the Town, amending the Multiple Land Use Category in the Town's effective Comprehensive Plan, as set forth in Exhibit "A" to this Ordinance, is hereby adopted, subject to the conducting of a Second and Final Public Hearing, and which shall become effective upon the expiration of a twenty-one (21) day appeal period subsequent to the publishing of a Notice of Intent to find it in compliance by the DCA.

**SECTION 5:** That the Town's Planning Consultant is further authorized and directed to make the necessary textual changes to the Future Land Use Element of the effective Comprehensive Plan in order to reflect the above-stated changes consistent with the recommendations of the Planning Consultant Report.

**SECTION 6:** All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 7:** 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

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applications of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 8:** This Ordinance shall become effective immediately upon the expiration of a twenty-one (21) day appeal period subsequent to the publishing of a Notice of Intent to find in compliance by the State of Florida Department of Community Affairs (DCA).

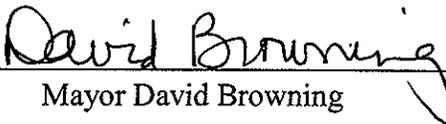
**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 1st DAY OF March, 2011.**

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 5th DAY OF July, 2011.**

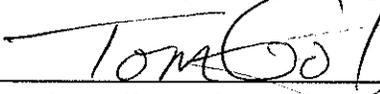
**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

  
\_\_\_\_\_  
Ann Harper, Town Clerk

  
\_\_\_\_\_  
Mayor David Browning

  
\_\_\_\_\_  
Vice Mayor Ryan Liang

  
\_\_\_\_\_  
Council Member Tom Goltzené

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
Michael D. Cirullo, Jr, Town Attorney

  
\_\_\_\_\_  
Council Member Ron Jarriel

  
\_\_\_\_\_  
Council Member Jim Rockett