

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2011-014

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RESCINDING ORDINANCE 2011-003, WHICH RELATED TO THE LAND USE ON PROPERTY OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS "A" AND "B" U/W/O ALEXANDER ABRAHAM SIMON, REPRESENTED BY LAND DESIGN SOUTH TO ACCOMMODATE THE FUTURE DEVELOPMENT ON 97 ACRES OF LAND, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD, LOXAHATCHEE GROVES, FLORIDA; 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, 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 Council adopted Ordinance 2011-003 to amend the then-effective comprehensive plan, which was the Palm Beach County Comprehensive Plan, concerning a Land Use Plan Amendment proposed by Atlantic Land Investments, LLC, the contract purchaser of property owned by Ernest G. Simon, as Trustee of Trusts "A" and "B" u/w/o Alexander Abraham Simon, represented by Land Design South, to change the designation of the subject use of land from Rural Residential (1 du/ 5 ac) in the Town's adopted Comprehensive Plan to the Multiple Land Use Category to accommodate the future development

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on 97 acres of land, for the property located at the northwest corner of Southern Boulevard and “B” Road, Loxahatchee Groves, Florida (the “Property”).

WHEREAS, on July 28, 2011, the DCA issued its Final Order in the administrative challenge, ordering that the Town’s adopted plan be “in compliance,” and the Town’s adopted Comprehensive Plan became effective on August 19, 2011; and,

WHEREAS, the DCA has advised that due to the Town’s adopted Comprehensive Plan coming into effect, the Town should proceed to adopt an ordinance to rescind Ordinance 2011-003, which amended the Land Use on the Property, as the amendment to the Palm Beach County Comprehensive Plan as it applied to the Town had not come into effect and needs not to do so, and a separate ordinance (Ordinance 2011-15) should be adopted to amend the Town’s adopted Comprehensive Plan to include amendments to the Land Use on the Property approved as to the previously effective Town Comprehensive Plan; and,

WHEREAS, upon adoption of an ordinance rescinding Ordinance 2011-003, the Town can adopt Ordinance 2011-15 to adopt an amendment to the Town’s adopted Comprehensive Plan relating to the Property, and the DCA will then review the amendment to the Town’s adopted 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 ordinance to rescind Ordinance 2011-003, as recommended by the DCA.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE

TOWN OF LOXAHATCHEE GROVES

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TOWN OF LOXAHATCHEE GROVES, FLORIDA:

SECTION 1: 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: Given the effectiveness of the Town’s adopted Comprehensive Plan and the necessity of incorporating the previously approved amendments to the Town’s previous plan into the Town’s adopted Comprehensive Plan, the Town Council rescinds its approval of Ordinance 2011-003; provided that the Town Council may rely, as may be necessary, upon the reports, the records and hearing materials from the public hearings associated with the adoption of such ordinance when considering the adoption of an ordinance to amend the Town’s adopted Comprehensive Plan to change the land use on the Property.

SECTION 3: 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 4: 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 5: This Ordinance shall become effective as provided by law.

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PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 6th DAY OF September, 2011

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 20th DAY OF September, 2011

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:



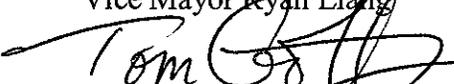
Ann Harper, Town Clerk



Mayor David Browning

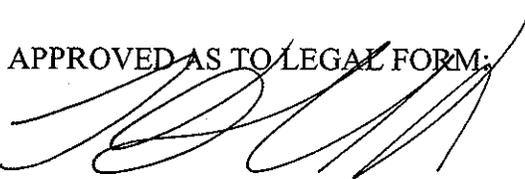


Vice Mayor Ryan Liang

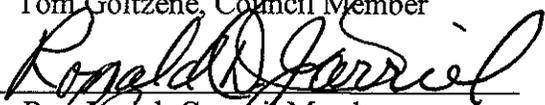


Tom Goltzené, Council Member

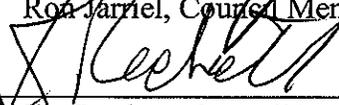
APPROVED AS TO LEGAL FORM:



Michael D. Cirullo, Jr., Town Attorney



Ron Jarriel, Council Member



Jim Rockett, Council Member