

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE TOWN OF LOXAHATCHEE GROVES FLORIDA COMPREHENSIVE PLAN TO (1) AMEND THE COMPREHENSIVE PLAN TEXT TO CREATE SPECIAL POLICY 1.15.4 UNDER OBJECTIVE 1.15 OF THE FUTURE LAND USE ELEMENT WHICH REGULATES DEVELOPMENT ON THE 74.99 ACRE PROPERTY LOCATED GENERALLY AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD LOXAHATCHEE GROVES, FLORIDA, AS SPECIFICALLY INDICATED ON EXHIBIT 1, KNOWN AS THE PALM BEACH STATE COLLEGE PARCEL; AND (2) AMEND THE FUTURE LAND USE MAP FLU-1.10 TO INCORPORATE A SPECIFIC REFERENCE TO SPECIAL POLICY 1.15.4; 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, adopted its Comprehensive Plan which became effective on August 19, 2011; and,

WHEREAS, the Town has adopted Ordinance 2012-04, to amend the Town’s Comprehensive Plan, which approved Land Use Application 12-1 and amended the Land Use Category on the 96.7 acres located at the northwest corner of Southern Boulevard and “B” Road (“Simon Property”), within the Town of Loxahatchee Groves, Florida, to rescind the MLU designation placed on the Simon Property by Ordinance 2011-015, restoring the Rural Residential – 5 Land Use on the Town’s Future Land Use Map for entire Simon Property, amended the Town’s Comprehensive Plan to amend the Future Land Use Map to assign the Commercial Low (CL) Land Use designation to the 21.73 acres located at the southeast corner of the Simon Property, and rescinded Special Policy 1.15.1 of Objective 1.15 of the Town’s

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Comprehensive Plan which would no longer govern the uses on the Simon Property upon the approval of the Application 12-1; and,

WHEREAS, Palm Beach State College (PBSC) has entered into a Purchase and Sale Agreements for 74.99 acres of the 96.73 acres of the Simon Property (“PBSC Property”), which pursuant to the adoption of Ordinance 2012-04 has a Land Use designation of Rural Residential – 5 (RR-5), for the development of a new campus for PBSC, as depicted on Exhibit “1” hereto (the “PBSC Property”); and,

WHEREAS, the RR-5 Land Use Category placed on the Property through the adoption of Ordinance 2012-04 and approval of Application 12-1 permits the use of the 74.99 acres to be purchased by PBSC to be used for its new campus (“PBSC Property”); and,

WHEREAS, PBSC has filed Amendment 12-2 to amend the Town’s Comprehensive Plan to add Special Policy 1.15.4 to the Future Land Use Element of the Town’s Comprehensive Plan, which will be delineated on the Town’s Future Land Use Map, to regulate the development of the PBSC Property as a college campus (the “Amendment”); and

WHEREAS, the Town’s Planning Consultant recommends approval of Application 12-2 and the Amendment; and,

WHEREAS, the Town’s Planning Consultant recommends the transmittal of the Amendment, to the State of Florida Department of Economic Opportunity (DEO) (formerly Department of Community Affairs) and all other agencies having jurisdiction over the Amendment for their review; and,

WHEREAS, at a public hearing conducted on April 12, 2012, the Town’s Planning and Zoning Board, in its capacity as the Town’s Local Planning Agency, reviewed the Amendment, the records of which are incorporated herein and made specific part thereof, and recommended

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approval of Application 12-2 and the Amendment with two (2) recommended amendments to the proposed language; and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted public hearings on this Amendment; and,

WHEREAS, the Amendment will be transmitted to the DEO for review and all other agencies having jurisdiction over the Amendment for review and comments, all as provided by law; 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 the Amendment to the Town's Comprehensive Plan, in accordance with Chapter 163, specifically Section 163.3184 Florida Statutes, to add Special Policy 1.15.4 to the Future Land Use Element of the Town's Comprehensive Plan, which will be delineated on the Town's Future Land Use Map, to regulate the development of the PBSC Property as a college campus.

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 and reports 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 governing board of the Town, and finds the following:

1. The Amendment, as hereinafter approved herein, is consistent with the goals, objectives and policies of the currently effective comprehensive plan;

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2. The characteristics of the surrounding area and the characteristics included in the proposed development are compatible;

3. The Town of Loxahatchee Groves has the ability or will have the ability to provide, or insure the provision of, necessary services for the additional demand for public facilities.

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

SECTION 4: The Amendment to the Comprehensive Plan of the Town of Loxahatchee Groves (Application No. 12-2) reviewed by the Town's Planning Consultant, the Town's Planning and Zoning Board in its capacity as the Local Planning Agency, and approved by the Town Council in its capacity as the governing body of the Town, to amend the Town's Comprehensive Plan to add Special Policy 1.15.4 to the Future Land Use Element of the Town's Comprehensive Plan, which will be delineated on the Town's Future Land Use Map, to regulate the development of the PBSC Property as a college campus, as set forth as Attachment A1 in the Planning Consultant's Report, and attached to this Ordinance as Exhibit "2" and incorporated herein, is adopted and approved.

SECTION 5: The Town's Planning Consultant is further authorized and directed to make the necessary textual changes to the Future Land Use Element and map changes to Map # FLU-1.10 of the Town's Comprehensive Plan in order to reflect the above-stated changes.

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.

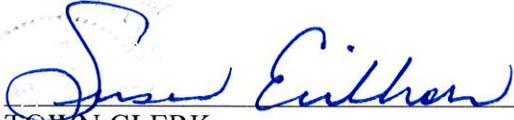
SECTION 8: This Ordinance shall become effective as provided by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 26TH DAY OF JUNE, 2012.

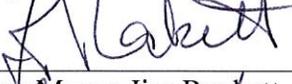
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 21ST DAY OF AUGUST, 2012.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:


TOWN CLERK


Mayor David Browning

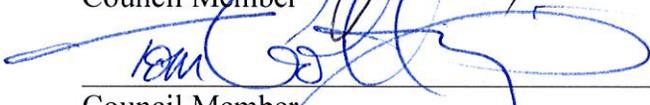

Vice Mayor Jim Rockett


Council Member

APPROVED AS TO LEGAL FORM:


Office of the Town Attorney


Council Member

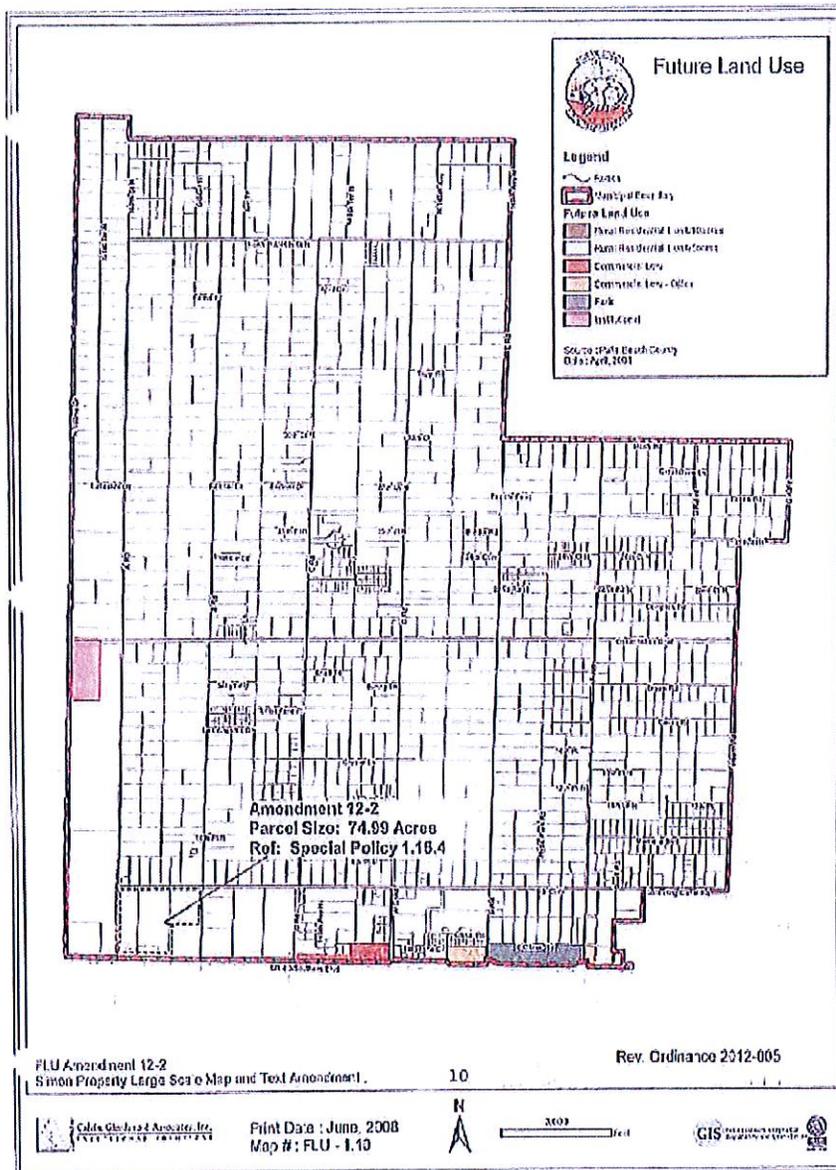

Council Member

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EXHIBIT "1"

DEPICTION OF PROPERTY SUBJECT TO AMENDMENT



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EXHIBIT "2"

SPECIAL POLICY 1.15.4

Words underlined are additions to the current text of the Loxahatchee Groves Comprehensive Plan.

1.15.4 Special Policy:

Policy 1.15.4: Development on the Palm Beach State College Property delineated as "Special Policy 1.15.4" on the Future Land Use Map, Map # FLU-1.10, shall be regulated by the following criteria:

i. Policy 1.15.4-a: Development of the property shall be governed only by the following regulations:

- a. SREF- State Requirements for Educational Facilities as adopted in Rule 6A-2.0010
- b. Florida Building Code
- c. Florida Fire Prevention Code
- d. South Florida Water Management District
- e. Loxahatchee Groves Water Control District

ii. Policy 1.15.4-b: A "Master Site Development Plan" providing the following information for the overall site shall be submitted to the Town for approval prior to issuance of the first building permit:

- a. Site Acreage
- b. Site boundaries clearly identified, and ties to section corners.
- c. Existing and proposed land uses and existing uses on adjacent land.
- d. Generalized location of development areas and uses.
- e. Indication of vehicular connections to public rights-of-way.
- f. A valid Conceptual Driveway Permit approval from the Florida Department of Transportation issued pursuant to the "State Highway System Access Management Classification System and Standards", as amended.
- g. Design Guidelines to be consistent with the intentions of the Town's Rural Vista Guidelines as can be applied to a college campus.

- h. All adjacent public and private rights-of-way and easements, indication of ultimate right-of-way line, centerline, width, pavement width, existing and proposed median cuts and intersections, street light poles and other utility facilities and easements.
 - i. Indication of existing native vegetation that will be preserved.
 - j. A detail of the proposed buffer for screening along the northern boundary, including addressing removal of invasive vegetation and replanting.
 - k. Site Data, including the maximum intensity permitted on site.
- iii. Policy 1.15.4-c: A copy of the "Campus Master Plan" prepared pursuant to REF- State Requirements for Educational Facilities as adopted in Rule 6A-2.0010 and all future 5-year updates shall be submitted to the Town of Loxahatchee Groves for informational purposes. The 5 - year updates to the "Campus Master Plan" shall be submitted to the Town of Loxahatchee Groves for informational purposes prior to submission of the Plan to the Department of Education. During the development of the Educational Plant Survey and the Campus Master Plan, the Town shall be given the opportunity to raise any issues or concerns with the Plan for consideration by the College.

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