

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ORDINANCE NO. 2008-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, CREATING A NEW SECTION OF THE TOWN'S CODE OF ORDINANCES, TO BE ENTITLED "PUBLIC COST RECOVERY"; PROVIDING THAT AN APPLICANT SEEKING LAND DEVELOPMENT, ENGINEERING, OR BUILDING PERMIT APPROVAL SHALL BE RESPONSIBLE TO THE TOWN FOR THE COSTS AND EXPENSES ASSOCIATED WITH THE PROCESSING OF ALL RELATED APPLICATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Article VIII, §2(b) of the Constitution of the State of Florida and Chapter 166, Florida Statutes, the Town of Loxahatchee Groves ("Town") has a governmental and corporate powers of a duly constituted municipality; and

**WHEREAS**, the Town desires to have all applicants pay the cost associated with processing an application for land development, engineering services, or a building permits, which shall include, but not be limited to, all land use plan amendments, rezonings, variances, and site plans, as provided in the Town's Uniform Land Development Code; and

**WHEREAS**, the Town Council has hereby determined that the costs related to the review and processing of said applications shall not be subsidized by the general taxpayer and citizenry of the Town. Therefore, the Town has determined that the most practical and accurate method of defraying the costs of the application review and processing functions is through the

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TOWN OF LOXAHATCHEE GROVES, FLORIDA

ORDINANCE NO. 2008-02

assessment of fees. Said fees are based upon the actual processing time expended by Town employees and any directly associated expenses including, but not limited to, professional fees, legal fees, and advertising fees;

**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 "Cost Recovery" to read as follows:

1. An individuals or entities filing a land development, engineering, or building permit application with the Town shall be responsible for all costs and expenses, including professional and legal fees, incurred by the Town in processing, analyzing, reviewing, and advertising the 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 as provided in the Town's Uniform Land Development Code. The term "Building Permit Application" shall include, but is not limited to, all applications for building construction or renovation that are required by the Florida Building Code. The term "Engineering Application" shall include, but is not limited to platting and other engineering services.
3. Applicants shall be issued a statement on a monthly basis. No later than twenty (20) days from the date the statement is generated, the applicant

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ORDINANCE NO. 2008-02

shall submit the full amount due to the Town. If the applicant fails to make the payment, the Town Council shall be authorized to temporarily abate the processing, reviewing or advertising of the application.

4. If an application requires final approval by the Council, all outstanding payments shall be paid in full prior to the Town placing the application on the Town Council agenda for consideration.

**Section 3.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida. The Sections of this ordinance may be re-numbered or re-lettered, and the word "Ordinance" may be changed to "Section", "Article", or such other word or phrase necessary to accomplish such intention.

**Section 4.** Codification.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the Town of Loxahatchee Groves.

**Section 5.** Severability.

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 6.** Repeal of Laws in Conflict.

All ordinances or parts of ordinances of the Town of Loxahatchee Groves, Florida, which

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TOWN OF LOXAHATCHEE GROVES, FLORIDA

ORDINANCE NO. 2008-02

are in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date. The provisions of this Ordinance shall become effective upon adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 19<sup>th</sup> DAY OF February, 2008.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 4<sup>th</sup> DAY OF March, 2008.

TOWN OF LOXAHATCHEE GROVES,  
FLORIDA

ATTEST:

Matthew Lyman  
TOWN CLERK or Authorized Representative

David Browning  
Mayor David Browning

Marge Herzog  
Vice Mayor

[Signature]  
Council Member

APPROVED AS TO LEGAL FORM:

[Signature]  
Office of the Town Attorney

[Signature]  
Council Member

[Signature]  
Council Member

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STATE OF FLORIDA  
COUNTY OF Kalamita Beach

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:  
Ordinance 2008-02  
as recorded in the Office of the Town Clerk.

CODING: Words in ~~strike-through~~ type are deletions and official date this 4<sup>th</sup> day of March, A.D. 2008  
Words in underlined type are additions.

TOWN OF Loxahatchee Groves  
By: Matthew Lyman