

**TOWN OF LOXAHATCHEE GROVES**

**ORDINANCE NO. 2012-04**

**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 RESCIND SPECIAL POLICY 1.15.1 UNDER OBJECTIVE 1.15 OF THE FUTURE LAND USE ELEMENT; AND (2) AMEND THE FUTURE LAND USE MAP FLU-1.10 TO RESCIND THE MULTIPLE LAND USE DESIGNATION AND SPECIFIC REFERENCE TO SPECIAL POLICY 1.15.1 ON THE 96.73 ACRES LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD LOXAHATCHEE GROVES, FLORIDA, THUS RESTORING THE RR-5 LAND USE DESIGNATION ON THE PROPERTY; AMENDING THE FUTURE LAND USE MAP TO ASSIGN THE COMMERCIAL LOW DESIGNATION TO THE 21.73 ACRES LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD LOXAHATCHEE GROVES, FLORIDA AS INDICATED ON EXHIBIT 1 HERETO; 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**, on September 20, 2011, the Town Council adopted Ordinance 2011-015, which amended the Land Use Category on the 96.73 acres located at the northwest corner of Southern Boulevard and "B" Road ("Simon Property"), within the Town of Loxahatchee Groves, Florida, from the Land Use Designation Rural Residential 5 to the Multiple Land Use ("MLU") designation to include Commercial Low, Commercial Low-Office and Rural Residential Land Uses within the MLU, and adopted Special Policy 1.15.1 under Objective 1.15 of the Future Land Use Element of the Town's Comprehensive Plan to govern the uses on the Simon Property

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pursuant to the MLU designation; and,

**WHEREAS**, the Simon Property is now the subject of Purchase and Sale Agreement with Palm Beach State College (PBSC) for seventy-five (75) acres of the 96.73 acres for the development of a new campus for PBSC, and the remaining 21.73 acres at the southeast corner of the Simon Property are the subject of a Purchase and Sale Agreement for the development of a commercial and retail use; and,

**WHEREAS**, the proposed uses on the Simon Property by the two contract purchasers is incompatible with the MLU Land Use Designation; and

**WHEREAS**, the Rural Residential-5 Land Use Category permits the use of the 75 acres as depicted on Exhibit "1" to be purchased by PBSC to be used for its new campus ("PBSC Property"), and the Commercial Low Land Use Category will permit the use of the 21.73 acres at the southeast corner of the Simon Property as depicted on Exhibit "1" ("Commercial Property") to be used for the proposed commercial/retail use; and,

**WHEREAS**, the Contract Purchasers for the PBSC Property and the Commercial Property have filed Application 12-1, to amend the Town's Comprehensive Plan 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, amend the Town's Comprehensive Plan to amend the Future Land Use Map to assign the Commercial Low (CL) Land Use designation to the Commercial Property, as depicted on Exhibit "1" hereto, and to rescind Special Policy 1.15.1 of Objective 1.15 of the Town's Comprehensive Plan which would no longer govern the uses on the Simon Property upon the approval of the amendments to the Town's Future Land Use Map as set forth herein (the "Amendment"); and,

**WHEREAS**, the Town's Planning Consultant recommends approval of Application 12-1

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and the Amendment; and,

**WHEREAS**, the Town's Planning Consultant recommends the transmittal of this Land Use Plan Amendment consistent with his recommendations, 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 approval of Application 12-1 and the Amendment; 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 rescind the MLU designation assigned to the Simon Property pursuant to Ordinance 2011-015, restoring the Rural Residential – 5 Land Use Category to the Simon Property, assign the Commercial Low (CL) Land Use Category to the Commercial Property, and rescind Special Policy 1.15.1 of the Future Land Use Element of the Town's Comprehensive Plan.

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

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**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 approved herein, is consistent with the goals, objectives and policies of the currently effective comprehensive plan;
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, which are incorporated herein.

**SECTION 4:** The Land Use Plan Amendment to the Comprehensive Plan of the Town of Loxahatchee Groves (Application No. 12-1) 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 rescind the MLU Land Use Designation placed on the Simon Property pursuant to Ordinance 2011-015, restoring the Rural Residential – 5 Land Use Category to the Simon Property, assign the Commercial Low (CL) Land Use category to the Commercial Property, and rescind Special

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Policy 1.15.1 of the Future Land Use Element of the Town's Comprehensive Plan 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, including without limitation Ordinance 2011-015, 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 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.

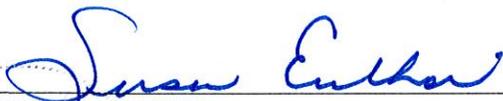
**SECTION 8:** This Ordinance shall become effective as provided by law.

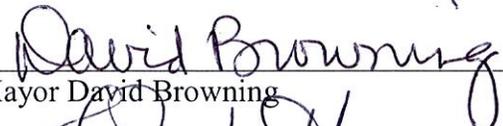
**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 26TH DAY OF JUNE, 2012.**

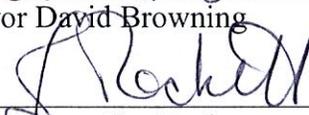
**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 21<sup>ST</sup> DAY OF AUGUST, 2012.**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

  
\_\_\_\_\_  
TOWN CLERK

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

  
\_\_\_\_\_  
Vice Mayor Jim Rockett

  
\_\_\_\_\_  
Ronald Jarrick

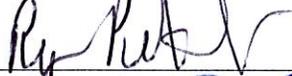
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APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
Office of the Town Attorney

Council Member

  
\_\_\_\_\_  
Council Member

  
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Council Member

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EXHIBIT "1"

PROPERTY SUBJECT OF THE AMENDMENT

