

## **TOWN OF LOXAHATCHEE GROVES**

### **RESOLUTION NO. 2007-017**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE ABATEMENT OF THE ENFORCEMENT OF CERTAIN SETBACK REQUIREMENTS WITH RESPECT TO PROPERTY LOCATED WITHIN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves, Florida (“Town”) has been advised with respect to certain issues concerning the enforcement of provisions within the Palm Beach County Uniform Land Development Code (“ULDC”) which were adopted as the Town’s ULDC pursuant to Section 10, Paragraph 7(a) of the Town’s Charter; and

**WHEREAS**, specifically Article 4, Chapter B, Section 1.A.3.e. entitled “Pens and Cages” provides for certain minimum setback requirements for the construction of pens, cages, or structures that effect property within the Town of Loxahatchee Groves; and

**WHEREAS**, the Town Council is concerned with respect to the potential for selective enforcement of the setback requirements contained in the above referenced section due to the apparent number of properties that are currently not in compliance with this provision; and

**WHEREAS**, the Town Council finds that it is in the best interest of the Town of Loxahatchee Groves that during this time period where the Town is currently considering the adoption of a new comprehensive plan as well as relevant land development regulations, that the Town Council recognized that certain provisions of the ULDC cannot be equitably enforced throughout the Town, and therefore direct Town staff to abate any enforcement of the relevant provisions; and

**WHEREAS**, the Town Council finds that the abatement of the enforcement of the provisions contained in the relevant section provided herein is in the best interest of health, safety, and welfare of the residents and business of the Town of Loxahatchee Groves.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:**

**Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

**Section 2.** That the Town Council hereby directs Town staff to take any and all appropriate action with respect to the abatement of the enforcement of Article 4, Chapter B, Section 1.A.3.e. entitled "Pens and Cages" of the Uniform Land Development Code within the Town boundaries of the Town of Loxahatchee Groves. This abatement shall apply until such time as the Town Council adopts its Comprehensive Plan and Uniform Land Development Code, or adopts a resolution providing for the conclusion of the abatement period.

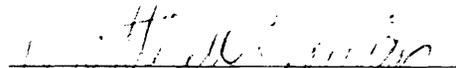
**Section 4.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 5.** All Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

**Section 6.** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA THIS 21<sup>st</sup> DAY OF NOVEMBER, 2007.**

ATTEST:

  
Town Clerk

  
MAYOR DAVID BROWNING

APPROVED AS TO FORM:

  
TOWN ATTORNEY  
DNT:js

STATE OF FLORIDA  
COUNTY OF Palmetto

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of:  
Resolutions 2007-17  
as recorded in the Office of the Town Clerk.

WITNESS my hand and official seal this 21<sup>st</sup> day of November A.D. 2007

TOWN OF Loxahatchee Groves  
BY: 