

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-010

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE ABATEMENT OF THE ENFORCEMENT OF VIOLATIONS OF PROVISIONS OF ARTICLE 4 OF THE TOWN'S UNIFORM LAND DEVELOPMENT CODE WITH RESPECT TO USES THAT DO NOT COMPLY WITH THE USE MATRIX OR SUPPLEMENTARY USE STANDARDS; 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 by Town Administration that several uses currently operating within the Town's boundaries do not comply with the requirements of the Town's Uniform Land Development Code ("ULDC"); and

WHEREAS, as part of the Town Administration's review of such uses, it has become apparent that through an apparent lack of enforcement or monitoring by Palm Beach County, that certain uses currently operating within the Town may have been operating on the property prior to the incorporation of the Town; and

WHEREAS, the Town Council recognizes that property owners, who own property within the Town, have relied on certain action or the inaction by Palm Beach County prior to incorporation, and that as a result, the property owner may have expended funds to develop the incompatible use on the property; and

WHEREAS, in a manner consistent with the Town's proposed comprehensive plan, the Town Council is in the process of adopting the Town's ULDC, which will replace the current ULDC that was adopted from Palm Beach County, pursuant to the Town's Charter; and

WHEREAS, while the Town is in the process of adopting its ULDC, the Town Council finds that it would be appropriate to abate the enforcement of provisions of the ULDC with respect

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-010

to uses that do not comply with the use matrix or the supplementary standards as contained within Article 4 of the ULDC, and permit those uses currently operating within the Town continue to operate; and

WHEREAS, the Town Council encourages the property owners who have been operating uses on their property to participate in the development of the Town's ULDC, with the goal that the uses that are currently not in compliance will become compliant; 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 adopting its Comprehensive Plan and developing its ULDC, that the Town Council recognize that certain provisions of the ULDC regulating uses within the Town 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 use regulations provided in Article 4 of the Town's current ULDC with respect to uses that do not comply with the use matrix or the supplementary standards as provided in Article 4 of the ULDC, as referenced 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

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-010

appropriate action with respect to the abatement of the enforcement of Article 4, Chapter A, Section 3 and Chapter B 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 3. 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 4. All Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

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TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2009-010

ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, FLORIDA, this 19th day of May, 2009.

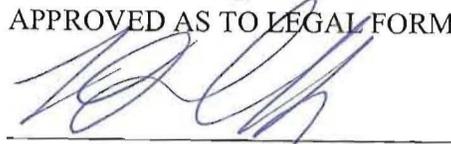
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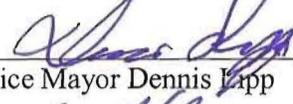

TOWN CLERK

TOWN OF LOXAHATCHEE GROVES,
FLORIDA


Mayor David Browning

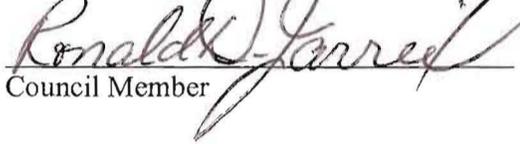
APPROVED AS TO LEGAL FORM:


Office of the Town Attorney


Vice Mayor Dennis Lipp


Council Member


Council Member


Council Member

DNT:dnt

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