

ORDINANCE NO. 2025-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 05-070 “TOWN COUNCIL TO AMEND ZONING REGULATIONS” TO ELIMINATE THE SUPER MAJORITY VOTE FOR AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT CODE, SECTION 05-015 “ENFORCEMENT, INTERPRETATION, PURPOSE AND CONFLICT” CLARIFYING WHO IS THE INTERPRETER OF THE CODE, SECTION 05-110 “VIOLATION OF CODE OR DEVELOPMENT ORDER CONDITIONS” REGARDING VIOLATIONS OF THE UNIFIED LAND DEVELOPMENT CODE OR DEVELOPMENT ORDERS; SECTION 10-015 “DEFINITIONS” AMENDING THE DEFINITION FOR LIMITED ACCESS INDOOR SELF-STORAGE FACILITY; SUBSECTION 20-010(G) “OUTDOOR STORAGE” REGARDING STORAGE OF RECREATIONAL VEHICLES; DELETING SECTIONS 75-015 “DETERMINATION OF A NONCONFORMITY” AND 75-035 “HISTORICAL LEGACY USES AS OF OCTOBER 1, 2006” TO REMOVE UNNECESSARY PROCEDURES; AND AMENDING SECTION 80-075 “LIMITED ACCESS INDOOR SELF-STORAGE FACILITY” RELATING TO SUCH FACILITIES, SECTION 100-005 “LOCAL AND COLLECTOR ROADWAYS, GENERALLY”, SECTION 100-040 “PRIVATE INGRESS/EGRESS ARRANGEMENTS”, AND SECTION 100-045 “MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STREETS” PROVIDING STANDARDS FOR LOCAL ROADWAYS AND PRIVATE INGRESS/EGRESS ARRANGEMENTS, SECTION 115-025 “MAIL NOTICES” TO ELIMINATE INCONSISTENCIES, AND ARTICLE 125 “VESTED RIGHTS DETERMINATIONS” TO PROVIDE ADDITIONAL REQUIREMENTS AND PROCEDURES FOR APPLICATIONS FOR VESTED RIGHTS DETERMINATIONS, ALL OF THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 166, Florida Statutes, is authorized and empowered to adopt land development regulations within the Town; and

WHEREAS, the Town Council desires to make various updates to its Unified Land Development Code (“ULDC”); and

WHEREAS, the Town Council desires to eliminate the need for a super majority vote of Town Council to amend the provisions of the ULDC; and

WHEREAS, the Town Council desires to clarify the final interpreter of the ULDC and the compliance requirement and means of enforcement for violations of permits and development orders; and

WHEREAS, the Town Council desires to amend the definition of a limited access indoor self-storage facility; and

WHEREAS, The Town Council desires to revise regulations on outdoor storage of recreational vehicles in the residential zoning district to be consistent with recently adopted regulations regarding recreational vehicles; and

WHEREAS, the Town Council desires to remove provisions in the ULDC relating to determination of nonconformities and historical legacy uses in existence as of October 1, 2006; and

WHEREAS, the Town Council desires to revise the conditional use standards and criteria for limited access indoor self-storage facilities; and

WHEREAS, the Town Council desires to amend the standards for local roadways and private ingress/egress arrangements; and

WHEREAS, the Town Council desires to update requirements to eliminate inconsistencies regarding mail notices; and

WHEREAS, the Town Council desires to update requirements and procedures relating to vested rights determinations; and

WHEREAS, the Town Council determined that the enactment of this ordinance is for a proper municipal purpose and in the best interest of the residents of the Town.

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

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. Section 05-070 “Town Council to amend zoning regulations” of Article 05 “Administration and Legal Provisions” of Part I “Administration and Definitions” of the Unified Land Development Code is hereby amended as follows (words ~~stricken~~ are deletions; words underlined are additions):

Section 05-070. - Town Council to amend zoning regulations.

Whenever the public necessity, convenience, general welfare, or good planning and zoning practice requires, the Town Council may, by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property, now or hereafter established by the ULDC or amendments hereto. ~~Any amendment to the ULDC shall require a super majority vote of four or more Council members.~~

Section 3. Section 05-015 “Enforcement, interpretation, purpose and conflict” of Article 05 “Administration and Legal Provisions” of Part I “Administration and Definitions” of the Unified Land Development Code is hereby amended as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 05-015. - Enforcement, interpretation, purpose and conflict.

- (A) The Town Manager and Town Council, as applicable, shall designate Town personnel and contractual agents of the Town, who shall have the authority to enforce the provisions of the ULDC.
- (B) Where it is found that any of the provisions of the ULDC are being violated, enforcement proceedings may be initiated against the real property owner, the tenant if applicable, and any other person violating the provisions of the ULDC as provided in the Town of Loxahatchee Groves Code of Ordinances and as otherwise provided by law. Any enforcement procedure authorized by the Town of Loxahatchee Groves Code of Ordinances, county or state law, may be used to enforce the provisions of the ULDC. It shall be at the discretion of the Town Manager to determine which method of enforcement is appropriate and whether more than one method of enforcement should be brought, as provided by law.
- (C) In addition to enforcement by the Town Manager, the provisions of the ULDC may be enforced by the Town's law enforcement agency, as violations of a Town ordinance and as such shall be punishable as provided by law.
- (D) Further, the Town Council may authorize the Town Attorney to bring legal action in a court of competent jurisdiction.
- (E) Where the ULDC includes regulations on the same point as contained in any other law or ordinance, the provisions of the ULDC shall govern unless otherwise prohibited by law; except that where the regulations of the other law or ordinance are more restrictive than those of the ULDC, the other shall govern.
- (F) The Town Council is the final interpreter of the provisions of the ULDC. Where the provisions of the ULDC provide for an administrative decision, the Town Manager is the final administrative interpreter of the provisions of the ULDC.

Section 4. Section 05-110 “Violation of Code or development order conditions” of Article 05 “Administration and Legal Provisions” of Part I “Administration and Definitions” of the Unified Land Development Code is hereby confirmed and readopted as set forth in Ordinance No. 2022-04 and further amended as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 05-110. - Violation of Code or development order conditions.

- (A) An application for a development permit may be deferred, denied, or approved with appropriate conditions, when the property is in violation of the ULDC or in violation of a condition of a previously approved development order.
- (B) Compliance with approved permits, development orders, and conditions thereof is required.
- (C) Any violation of ~~any portion of the ULDC or any violation~~ or non-compliance with ~~any~~ an approved permit, development order or condition thereof placed on any permit or any approval given to any development or project by Town Council, a board or administratively shall be deemed ~~is a violation of the Code~~ this section and shall be subject to the Town's code enforcement process, set forth in Chapter 14 of the Code, as well as any other legal action available to the Town including but not limited to injunctive relief.

Section 5. The definition of "limited access indoor self-storage facility" in Section 10-015 "Definitions" of Article 10 "Definitions, Abbreviations, and Construction of Terms" of Part I "Administration and Definitions" of its Unified Land Development Code is hereby confirmed and readopted as set forth in Ordinance No. 2021-02 and further amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Limited access indoor self-storage facility. ~~Limited access indoor self-storage facility shall~~ A building that consists of individual, self-contained units that are leased for the storage of business, household, or other personal goods; ~~where the Self storage development shall consist of storage bays with~~ are accessed only from the interior corridors of the building. ~~A management office is an allowed accessory use. Any residential use is prohibited.~~

Section 6. Subsection (G) "Outdoor Storage" of Section 20-010 "General Provisions" of Article 20 "Residential Zoning Districts" of Part II "Zoning Districts" of its Unified Land Development Code is hereby amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

(G) *Outdoor storage.* Outdoor storage of merchandise and inventory, vehicles and equipment, refuse and other similar materials shall be subject to the following standards.

(1) *Generally.* All outdoor storage shall only be permitted when incidental to the use located on the premises or explicitly permitted as a primary use in [Section 20-015](#), "Permitted uses."

(2) *Location.* Outdoor storage of merchandise and inventory, vehicles and equipment, refuse or similar materials shall not be located in any required setbacks, easements, or rights-of-way, except as permitted below:

a. *Construction Vehicles, equipment and fill.* Construction Vehicles, equipment, and fill may be temporarily stored in required setbacks, easements, or rights-of-way during construction in easements or rights-of-way.

b. *Nursery plants and trees.* Nursery plants and trees may be permanently stored in all required setbacks.

(3) *Screening.* All outdoor storage shall not be visible from roadways or neighboring properties except as permitted below:

a. *Farm and land cultivation equipment.* Farm and land cultivation equipment necessary for conducting a permissible agricultural use does not need to be screened from view provided that the vehicles are operable for immediate use, located on the plot upon which they are used, and are registered to an owner or lessee of said plot.

b. *Equestrian transports.* Equestrian transports do not need to be screened from view provided that the aggregate capacity of equestrian transports does not exceed the number of stables or horses kept on the property, whichever is greater.

c. *Nursery plants and trees.* Nursery plants and trees do not need to be screened from view.

d. *Construction vehicles, equipment and fill.* Construction vehicles, equipment, and fill do not need to be screened from view provided that the related construction activity is permitted, continuous and on-going.

e. *Commercial and recreational vehicles.* A maximum of two commercial or recreational vehicles may be stored on a plot of land without screening, provided that the vehicles are routinely operated/maintained by a permanent, full-time resident of the property. Storage of recreational vehicles is subject to the restrictions and requirements in Article 92.

f. *Inactive vehicles and equipment.* Vehicles and equipment that are in need of repair may be stored on a plot of land without screening provided that the vehicle or equipment has not been in a disassembled state or incapable of immediate use for more than seven consecutive days.

(4) *Fluids.* Vehicles and equipment that have been disassembled or incapable of immediate use for more than 28 consecutive days shall have all of its fluids drained and properly disposed.

Section 7. Section 75-015 “Determination of a nonconformity” of Article 75 “Nonconforming Uses, Structures and Plots” of Part III “Supplemental Regulations” of the Unified Land Development Code is hereby deleted.

Section 8. Section 75-035 “Historical Legacy Uses as of October 1, 2006” of Article 75 “Nonconforming Uses, Structures and Plots” of Part III “Supplemental Regulations” of the Unified Land Development Code is hereby deleted.

Section 9. Section 80-075 “Limited access indoor self-storage facility” of Article 80 “Conditional Uses” of Part III “Supplemental Regulations” of the Unified Land Development Code is hereby confirmed and readopted as set forth in Ordinance No. 2021-02 and further amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 80-075. Limited access indoor self-storage facility.

~~Any Limited access indoor self-storage facility as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms"~~ shall be permitted in the Commercial Low (CL) zoning district subject to a Category A Special Exception approval and compliance with the following conditional use standards and criteria:

- (A) ~~Use(s). A limited access indoor self-storage facility shall consist of storage bays with direct access only from the interior corridors of the building.~~ A management office within the facility is an allowed a permitted accessory use. Such office must have its own space designed for such purpose and shall not be located in one of the storage bays, hallways, or access areas.
- (B) *Locational requirement.*
 - (1) A limited access indoor self-storage facility shall have direct frontage and vehicular access to Southern Boulevard or the frontage road along Southern Boulevard.
 - (2) There shall be a minimum separation of two miles between limited access (indoor) self-storage facilities developments.
- (C) *Site and building design.*
 - (1) *Maximum site dimensions.* A limited access indoor self-storage facility site shall be limited to a maximum of 250-feet of street frontage along the Southern Boulevard right-of-way and 500 feet of depth from the Southern Boulevard right-of-way.
 - (2) *Architecture.* Architectural design shall comply with the Rural Vista Guidelines.
 - (3) *Building height.* Building height (excluding parapets and architectural or mechanical features) shall not exceed 35 feet from finished grade.
 - (4) *Maximum plot coverage.* Maximum plot coverage of all buildings and roofed structures shall not be more than 30 percent of the gross site area.
 - (5) *Maximum floor area.* Maximum floor area shall be determined with each application and regulated by applying the building height, maximum plot coverage and minimum pervious area, per subsections (3), (4), and ~~(5)~~ of this section to the subject property ~~provided that ULDC required as well as the required~~ minimum building setbacks, landscape buffers, minimum required parking, circulation and loading standards, and site infrastructure, including access, drainage and utilities requirements as set forth in the ULDC ~~can be complied with.~~
 - (6) *Minimum pervious area.* The minimum pervious area shall be 30 percent of the plot.
 - (7) *Lighting and security plan.* A lighting (photometric) plan and security plan shall be required and at least include details for the following:
 - a. 24-hour security cameras, alarm system, use of gates with keypads and security lighting.
 - b. Site lighting used to illuminate the site after dusk shall be designed and arranged to reflect away from adjacent properties and away from any street, and shall comply with ULDC Section 50-030, "Outdoor lighting."

- (8) *Signs.* One monument sign advertising the self-storage facility business may be erected on the plot frontage that abuts Southern Boulevard or the frontage road along Southern Boulevard ~~an arterial road right-of-way~~ and complies with ULDC Article 90 Section 90-035. Such signage shall observe the site sight distance triangle requirement of Article 105, "Sight Distance."
- (9) *Prohibited uses.*
- a. The storage of flammable, hazardous or explosive materials, goods or products ~~shall be prohibited~~.
 - b. On site caretakers or any residential use.
 - c. Operation of Bbusinesses ~~shall not operate~~ within self-storage facility storage bays ~~units~~.
 - d. Outdoor storage of vehicles, recreational vehicles, boats, merchandise, business, household or other personal goods ~~shall be prohibited~~.
- (10) ~~{Landscaping.}~~ Landscaping shall comply with ULDC Article 85 Landscaping, including incorporation of an incompatible use perimeter landscape buffer, per Section 85-060(B)(1) if the self-storage facility abuts, or is separated from an Agricultural Residential zoning district by a public or private road, street, right-of-way, or canal.

Section 10. Section 100-005 "Local and collector roadways, generally" of Article 100 "Access Standards and Subdivision" of Part IV "Parking and Loading, Access and Subdivision, Sight Distance" of the Unified Land Development Code is hereby confirmed and readopted as set forth in Ordinance No. 2021-07 and further amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 100-005. – Local ~~and collector~~ roadways, generally.

- A. Local roadways are those illustrated on Map TRN 2 Local Roads Classification Map or meeting the qualifications in Table TRN 1 Local Roads Functional Classification System of the Comprehensive Plan.
- B. The design of all local roadways ~~streets and collectors~~ shall preserve the unique, rural character of the Town and discourage non-resident traffic in residential areas. In part this shall be achieved by ensuring that all local roadways ~~and collectors~~ be constructed of a width, design, and materials deemed acceptable by the Town of Loxahatchee Groves Town Council.
- C. The maximum speed limit on all local roadways ~~streets and collectors~~ within the Town boundaries; ~~except Southern Boulevard, Okeechobee Boulevard, and Folsom Road;~~ is 25 miles per hour.

Section 11. Section 100-040 “Private ingress/egress arrangements” of Article 100 “Access Standards and Subdivision” of Part IV “Parking and Loading, Access and Subdivision, Sight Distance” of the Unified Land Development Code is hereby confirmed and readopted as set forth in Ordinance No. 2021-04 and further amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 100-040. - Private ingress/egress arrangements.

All individual and shared access to landlocked parcels shall meet the following requirements:

- (1) The ingress/egress easement shall provide for access by emergency vehicles and government officials, employees, or contractual service providers during the course of their official duties.
- (2) All property owners utilizing an individual or shared access easement shall enter into an agreement defining the rights and responsibilities of the parties in regards to the maintenance of the access easement and shall record such agreement in the Public Records of Palm Beach County, Florida.
- (3) The developer and property owner shall enter into, and shall record in the Public Records of Palm Beach County, Florida, a Declaration of Restrictive Covenants for ~~Private Roadways and Access~~ in a form approved by the Town Attorney, which shall run with the land and, at a minimum in part, meet the requirements of this section and indemnify and hold harmless the Town and its agents for the construction of an access easement, which is less than the access standards ~~easement~~ set forth in Section 100-045, "Minimum standards for public and private streets."
- (4) The permissibility of an ingress/egress arrangement pursuant to Section 100-035, "Access to development" is conditioned upon no further subdivision being possible that would require dedication and construction of a public or private street in lieu of an ingress/egress easement.
- (5) The address of all properties without direct, legal access to a public road shall be displayed at the public street entrance of the ingress/egress easement and again at the entrance to each property from the driveway.
- (6) ~~The Have a maximum length of an ingress/egress easement pursuant to Section 100-035, "Access to development" shall be one-quarter mile (1,320 feet) and comply with the requirements of pursuant to Section 100-035, "Access to development".~~
- (7) Any ingress/egress arrangement that does not conclude as an intersection of another easement or a roadway shall provide a turnaround of adequate dimension, as determined by the Town Engineer, to allow for the successful maneuvering and redirection of large vehicles such as emergency service and refuse collection vehicles.

- (8) Private ingress/egress arrangements shall not provide ingress to and egress from areas within the Town from and to areas outside of the Town's corporate limits. Any ingress to and egress from areas within the Town from and to areas outside of the Town's corporate limits must be through a publicly dedicated street that meets the requirements of Section 100-045 and has been accepted by Town Council as a public street.

Section 12. Section 100-045 "Minimum standards for public and private streets" of Article 100 "Access Standards and Subdivision" of Part IV "Parking and Loading, Access and Subdivision, Sight Distance" of the Unified Land Development Code is hereby confirmed and readopted as set forth in Ordinance No. 2021-04 and further amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Sec. 100-045. – Minimum standards for public and private streets.

The design and construction of public and private streets shall be in accordance with acceptable engineering principles. The design and construction of required improvements shall, at a minimum, be in accordance with current Town standards, including those contained in this article. Should a developer elect to provide improvements of a type or design proposed to equal or exceed the minimum requirements, standards for design and construction of such improvements shall be submitted for approval and evaluated for adequacy on an individual basis by the Town Engineer.

- (A) *Local roadway design standards.* The design of all local roadways (public and private streets) shall be as follows:

- (1) *Volume.* Typical volume of local roadways shall be between zero and ~~2,000~~ 400 vehicles per day.
- (2) *Access.* Local roadways shall provide primary access to residential and agricultural properties and limited commercial development. Cut-through traffic is to be discouraged. Other than connecting to Okeechobee Boulevard, ~~or~~ Southern Boulevard, or Folsom Road, local roadways shall not provide access to or from areas outside the Town's corporate limits.
- (3) *Design speed.* Local roadways shall be designed for travel at a maximum speed of ~~30~~ 50 miles per hour.
- (4) *Required right-of-way dedication.* The minimum right-of-way dedication for all new local roadways shall be 30 feet, however, at the discretion of the Town Engineer, this minimum may be increased in order to provide sufficient drainage, canal maintenance, or to incorporate greenway(s) and multi-use trail(s). ~~implement the Loxahatchee Groves Master Roadway, Equestrian and Greenway Plan, 2009 (MREG, 2009).~~
- (5) *Construction of roadway.* ~~The entire width of the right-of-way shall be demucked before construction of the roadbed begins. No material of FDOT Class A-5, A-7 or A-8 shall be allowed. All material supporting the roadway and shoulders shall have a minimum load bearing ratio (LBR) of 40. The top 12 inches of the undisturbed soil shall be compacted to 100 percent of maximum dry density as per AASHTO T-99-C. Unless otherwise~~

~~approved by the Town Engineer, limerock or shellrock bases shall be at least six inches thick and shall have a minimum LBR of 100. Base material shall be compacted to a density of not less than 98 percent of maximum density as determined by AASHTO T-180. Roadway surface shall consist of at least a three-inch layer of open graded emulsified mix (OGEM) or a surface material of equivalent durability, as certified by an engineer. Roadway construction standards are established in the Town of Loxahatchee Groves Engineering Manual.~~

- (6) *On-street parking.* Parking on local roadways is prohibited.
- (7) *Traffic calming.* The Town Council shall have the authority to approve traffic calming devices.
- (8) *Turnaround.* Any local roadway that does not conclude as an intersection of another roadway shall provide a turnaround of adequate dimension, as determined by the Town Engineer, to allow for the successful maneuvering and redirection of large vehicles such as emergency service and refuse collection vehicles.
- (9) *Other.* A clear zone, a minimum of three (3) feet on each side of a roadway, is required. Where a clear zone cannot be provided due to proximity of a canal, a berm or guardrail shall be installed between the edge of pavement and the canal. Traffic signals, curbs, turn lanes, medians and sidewalks shall ~~not be provided unless specifically required~~ evaluated for requirement as directed by the Town Engineer.
- (10) ~~[Governed by District.] Standards for roadways under the jurisdiction of the Loxahatchee Groves Water Control District shall be governed by standards developed by the District.~~

Section 13. Section 115-025 “Mail notice” of Article 15 “Public Hearing Notices” of Part V “Development Review Procedures and Requirements” of the Unified Land Development Code is hereby amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

Section 115-025. - Mail notices.

- (A) The owners of all lands located within the Town under consideration for approval of an application, and the owners of all lands within the Town lying within the distances prescribed by Section 115-10 (table), shall be notified by the Town of the application and of the first meeting at which the application will be considered. Such notices shall be sent U.S. Mail, postage-paid, to the persons shown upon the current tax rolls of Palm Beach County to be the respective owners unless there is actual knowledge of a subsequent property owner. Mail notification of subsequent public hearings is not required. The cost of all mail notices shall be paid to the Town by the applicant.
- (B) At minimum, mail notifications shall contain the following information:
 - (1) Explanation of the request;

- (2) Time, place and date of public hearing;
- (3) Phone number for information;
- (4) General location and address of the lands involved (if applicable);
- (5) That the application and supporting materials are available for inspection at Town Hall, specifying the Department and times the materials are available for review;
- (6) That persons may appear and be heard, subject to proper rules of conduct;
- (7) That written comments filed with the Town will be entered into the record;
- (8) That the hearing may be continued from time to time as necessary;
- (9) That any person who decides to appeal a decision made at the public hearing is advised they will need a record of proceedings and that accordingly, they may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based;
- (10) That persons with disabilities requiring accommodations in order to participate should contact the Town Clerk (provide phone number) at least 24 hours in advance of the public hearing to request such accommodation; and
- (11) Any other information required by law, noting that advertisements for comprehensive plan amendments and certain rezonings are specifically regulated by F.S. § 166.041, as may be amended from time to time.

(C) In addition to subsections (A) and (B), above, quasi-judicial hearing notices shall inform all ~~affected persons~~ recipients that they will be allowed to present evidence at the hearing and bring forth witnesses provided they meet the requirements of a party intervenor and submit a request to the Town to intervene as a party intervenor no less than five (5) working days prior to the hearing, as set forth in section 120-030. ~~notify and file the required forms available at the Town Clerk's Office.~~

Section 14. Article 125 “Vested Rights Determinations” of Part V “Development Review Procedures and Requirements” of the Unified Land Development Code is hereby amended to read as follows (words ~~stricken~~ are deletions; words underlined are additions):

ARTICLE 125 – VESTED RIGHTS DETERMINATIONS

Sec. Section 125-005. Generally.

- (A) The Town Council recognizes that certain land development rights of property owners may be vested with respect to approved land uses, density or intensity of development and/or staging or phasing of development. Any person claiming vested rights to develop property shall make an application for a vested rights determination with the Town Manager. The application shall contain information sufficient to enable a determination to be made whether the land development right(s) is vested. The applicant shall submit any relevant supporting information, including development orders, development permits, contracts, letters, appraisals, reports, or any other documents upon which the application is based.

The applicant shall specifically identify in the application those provisions of the Comprehensive Plan or land development regulations the applicant believes should not apply because of vesting.

Sec. Section 125-010. Procedure.

- (A) The Town Manager shall review the application and any supporting documents and may consult with the Town Attorney's Office. If the application is determined to be incomplete, the applicant will be sent a written statement specifying the deficiencies. The Town Manager shall render a determination within ~~30~~ sixty (60) calendar days of receiving all information the Town Manager deems necessary to make the determination.
- (B) ~~If An applicant may appeal the determination of the Town Manager receives a notice of appeal from the applicant within 30 days of mailing the determination to the applicant by certified mail, the appeal shall be scheduled for a public hearing before the Town Council, which may uphold or reverse the Manager's determination pursuant to Article 145, "Administrative Appeals."~~
- (C) All vested rights determinations shall be based upon whether vested rights have been created pursuant to ~~the provisions set forth within this article~~, applicable statutes, or established case law, and shall consider whether any time limitation is applicable to such vested rights.
- (D) A vested rights determination may be suspended or revoked upon a showing by the Town that the determination was made based upon false, inaccurate, misleading or incomplete information submitted by the applicant. A vested rights determination shall not be revoked prior to a hearing being held by the Town Council. Notice of the revocation hearing shall be given at least thirty (30) calendar days prior to the hearing.

Sec. Section 125-015. - Standards for claims for vested rights, subject to changes in Florida law and applicable case law.

- (A) There was a valid, unexpired act of an agency of the Town upon which the applicant reasonably relied in good faith; and
- (B) The applicant, in reliance upon the valid, unexpired act of an agency of the Town, has made a substantial change in position or has incurred extensive obligations or expenses; and
- (C) It would be inequitable, unjust, or fundamentally unfair to destroy the rights acquired by the applicant.
- (D) The following are not considered development expenditures or obligations in and of themselves, without more, unless the applicant was unable to obtain further approvals because of extraordinary delays, beyond the applicant's control:
 - (1) Expenditures for legal and other professional services that are not related to the design or construction of improvements.

- (2) Taxes paid.
- (3) Expenditures for initial acquisition of land.

(E) The casual, temporary or illegal use of land or a structure, or part thereof, shall not be sufficient to create any vested rights in the continuance of such a use.

(F) It is recognized that there may be additional circumstances where some vested rights have arisen which are not specified above.

Section 15. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 16. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 17. Codification. 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 Unified Land Development Code of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 18. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __DAY OF ____, 202__.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	☐	☐	☐
MARGARET HERZOG, VICE MAYOR	☐	☐	☐
PHILLIS MANIGLIA, COUNCILMEMBER	☐	☐	☐
LISA EL-RAMEY, COUNCILMEMBER	☐	☐	☐
_____, COUNCILMEMBER	☐	☐	☐

Councilmember _____ offered the foregoing ordinance. Councilmember

_____ seconded the motion, and upon being put to a vote, the vote was as follows:

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN
LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS
____ DAY OF _____, 202__.**

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	☐	☐	☐
MARGARET HERZOG, VICE MAYOR	☐	☐	☐
PHILLIS MANIGLIA, COUNCILMEMBER	☐	☐	☐
LISA EL-RAMEY, COUNCILMEMBER	☐	☐	☐
_____, COUNCILMEMBER	☐	☐	☐

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Mayor Anita Kane

Vice Mayor Margaret Herzog

Councilmember Phillis Maniglia

Councilmember Lisa El-Ramey

Councilmember