

**ORDINANCE NO. 2022-04**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 05-110 “VIOLATION OF CODE OR DEVELOPMENT ORDER CONDITIONS” OF ARTICLE 05 “ADMINISTRATION AND LEGAL PROVISIONS” OF PART I “ADMINISTRATION AND DEFINITIONS”, OF ITS UNIFIED LAND DEVELOPMENT CODE; REGARDING VIOLATIONS OF THE UNIFIED LAND DEVELOPMENT CODE OR DEVELOPMENT ORDERS; 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.

**WHEREAS**, the Town desires to provide a means of enforcement for violations of the Town’s adopted Unified Land Development Code (“ULDC”) and development orders issued thereunder; and

**WHEREAS**, the notice and hearing requirements for adoption of ordinances contained in the Florida Statutes and the Town’s Code of Ordinances have been satisfied; and

**WHEREAS**, the Town Council of the Town of Loxahatchee Groves has conducted a public hearing for the amendment of Article 05 Administration and Legal Provisions, Section 05-110 Violation of code or development order conditions of its adopted ULDC to include a means of enforcement: and

**WHEREAS**, the Town Council of Town of Loxahatchee Groves finds that the adoption of this ordinance amending the ULDC to add a means of enforcement for violations of the ULDC or development orders in Article 05 Administration and Legal Provisions, Section 05-110 Violation of code or development order conditions, is consistent with the Town’s Comprehensive Plan, and in the best health and welfare interests of the Town, its property owners, and residents.

**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.** The Town of Loxahatchee Groves hereby amends Part I “Administration and

Definitions”, Article 05 “Administration and Legal Provisions”, Section 05-110 “Violation of Code or development order conditions” to read as follows:

**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) Any violation of any portion of the ULDC or any violation or non-compliance with any condition placed on any permit or any approval given to any development or project by Town Council, a board or administratively shall be deemed a violation of the Code 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 3. 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 4. 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 5. 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 6. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 1<sup>st</sup> DAY OF November, 2022.


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

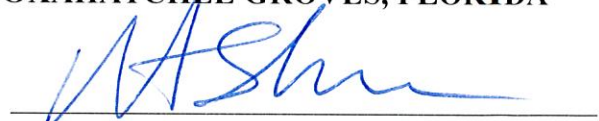
	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ROBERT SHORR, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 15<sup>th</sup> DAY OF November, 2022.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:


  
Lakisha Q. Burch, Town Clerk

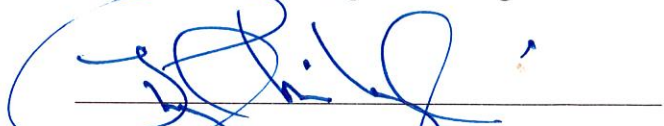
  
Mayor Robert Shorr

  
Vice Mayor Laura Danowski

  
Councilmember Margaret Herzog

APPROVED AS TO LEGAL FORM:

  
Office of the Town Attorney

  
Councilmember Phillis Maniglia

  
Councilmember Marianne Miles

# LOCALiQ

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## **PROOF OF PUBLICATION**

Loxahatchee Groves Town Of  
Loxahatchee Groves Town Of  
155 F RD

LOXAHATCHEE GROVES FL 334704949

STATE OF FLORIDA, COUNTY OF PALM BEACH

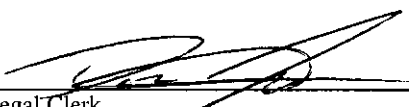

The Palm Beach Post, a daily newspaper printed and published in the city of West Palm Beach and of general circulation in Palm Beach, Martin, Okeechobee and St Lucie Counties, Florida; and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated or by publication on the newspaper's website, if authorized, on:

11/05/2022

and that the fees charged are legal.  
Sworn to and subscribed before on 11/05/2022

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November 5, 2022 #8019919

  
\_\_\_\_\_  
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\_\_\_\_\_  
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8.25.26

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