

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2011-007

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR AN EXTENSION OF THE MORATORIUM ENACTED PURSUANT TO THE TOWN OF LOXAHATCHEE GROVES ORDINANCE NO. 2007-07, AND AS AMENDED BY ORDINANCES 2007-07, 2008-08, 2009-02, 2010-001 AND 2010-004 CONSISTENT WITH THE TOWN CHARTER, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS, AND APPLICATIONS FOR AMENDMENTS TO THE TOWN COMPREHENSIVE PLAN; CONFIRMING THAT EXEMPTIONS TO THE MORATORIUM SHALL REMAIN IN EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVING FOR AN EFFECTIVE DATE.

WHEREAS, on November 20, 2007, the Town Council of the Town of Loxahatchee Groves adopted Ordinance No. 2007-07 which imposed a Moratorium on the processing of certain applications for development orders and development permits as specified in the Ordinance, as well as applications for amendments to the Town's Comprehensive Plan within the Town (the "Moratorium"), in order to provide the Town a period of time to transmit and develop its own Comprehensive Plan and Land Development Regulations; and

WHEREAS, on November 18, 2008, the Town Council of the Town of Loxahatchee Groves adopted Ordinance No. 2008-008 which extended the Moratorium up to and including May 30, 2009, in order to provide additional time for the Town to adopt its Comprehensive Plan and its Land Development Regulations; and

WHEREAS, on May 19, 2009, the Town Council adopted ordinance 2009-002, which extended the moratorium to February 28, 2010; and,

WHEREAS, on February 2, 2010, the Town Council adopted ordinance 2010-001, which extended the moratorium until July 1, 2010, and added certain exemptions; and,

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2011-007

WHEREAS, in July, 2010, the Town Council adopted Ordinance 2010-004, which extended the moratorium and added an exemption relating to the processing of proposed amendments to the Town's effective and adopted Comprehensive Plans; and,

WHEREAS, the Town's adopted Comprehensive Plan is the subject of a pending administrative challenge, and the Town requires additional time to resolve the administrative challenge to its Comprehensive Plan; and,

WHEREAS, given that the administrative challenge to the City's comprehensive plan continues, the Town Council believes it is necessary and in the best interest of the Town to extend the moratorium; and,

WHEREAS, the Town Council recognizes that the final approval of its Comprehensive Plan, and adoption of its Land Development Regulations, has taken longer than originally anticipated, and that there are property owners and development applicants that are desirous to have the Town commence review of their development applications, and who understand that any final approval will have to be consistent with the requirements of the Town's Comprehensive Plan when it becomes effective, and therefore the Town Council finds it reasonable and in the best interest of the Town to continue exceptions to the moratorium as adopted in the earlier Moratorium Ordinances referenced in Section 1 below, under the condition that the applicants agree to be bound by the Town's Comprehensive Plan, and in the case of a Comprehensive Plan Amendment that it be consistent with the Town's vision as set forth within the Town's adopted Comprehensive Plan when finally approved.

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

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2011-007

Section 1. The foregoing “Whereas” clauses, as well as those within Ordinances 2007-07, 2008-08, 2009-02, 2010-001 and 2010-004 are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Extension of Moratorium. Section 5 of Ordinance 2007-07 of the Town of Loxahatchee Groves, Section 2 of Ordinance 2008-08, Section 2 of Ordinance 2009-02, Section 2 of Ordinance 2010-001 and Section 2 of Ordinance 2010-004 of the Town of Loxahatchee Groves are hereby amended to provide for an extension of the Moratorium up to, and including, August 31, 2011. In the event that the Town’s adopted Comprehensive Plan becomes effective prior to that date, the Town Council may terminate the moratorium prior to August 31, 2011 by adoption of a resolution.

Section 3. Exemptions to Moratorium. All current exemptions to the moratorium shall remain in effect.

Section 4. Repeal of Laws in Conflict. All Ordinances or part of Ordinances in conflict herewith are in the same are hereby repealed to the extent of such conflict.

Section 5. Severability. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __1st__ DAY OF __February ____, 2011.

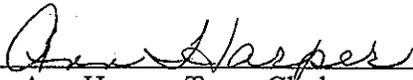
TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2011-007

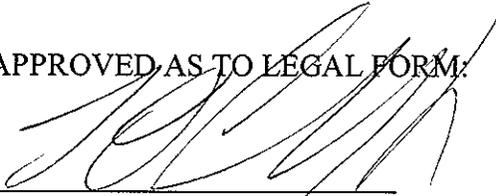
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN
LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS
15th DAY OF February, 2011.

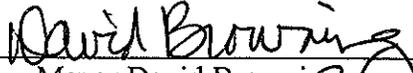
TOWN OF LOXAHATCHEE GROVES,
FLORIDA

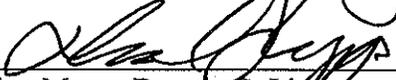
ATTEST:


Ann Harper, Town Clerk

APPROVED AS TO LEGAL FORM:


Michael D. Cirullo, Jr., Town Attorney


Mayor David Browning


Vice-Mayor Dennis C. Ligo


Council Member Ron Jarriel


Council Member Ryan Liang


Council Member Jim Rockett

MDC

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