

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2012-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR A MORATORIUM UNTIL NOVEMBER 30, 2012, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN, INCLUDING FUTURE LAND USE MAP AMENDMENTS AND TEXT AMENDMENTS, WITHIN THE CORPORATE BOUNDARIES OF THE TOWN AS OF APRIL 17, 2012; PROVIDING FOR EXEMPTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the requirements of Chapter 2006-328, Laws of Florida the Town Charter of the Town of Loxahatchee Groves, on October 10, 2006, the voters within the area of unincorporated Palm Beach County known as Loxahatchee Groves voted to incorporate as the Town of Loxahatchee Groves (the "Town"); and,

WHEREAS, one of the primary motivations of incorporation was to preserve the rural nature of the area in which the Town is located; and,

WHEREAS, the Town initially adopted its Comprehensive Plan in 2009; and,

WHEREAS, after an administrative challenge to the Town's Comprehensive Plan was dismissed, the Town's Comprehensive Plan became effective in August, 2011; and,

WHEREAS, since the Town's Comprehensive Plan has come into effect, the Town has received and considered several applications for Land Use Amendments, as well as Text Amendments, to the Town's Comprehensive Plan; and,

WHEREAS, during the review of the Land Use Amendments and Text Amendments received and reviewed by the Town since the Town's Comprehensive Plan came into effect, issues

relating to consistency between language in the Comprehensive Plan and the preservation of the Town's rural character were identified by the Town Council and the Town's Planning and Zoning Board during the above referenced review; and,

WHEREAS, the Town expects continuing pressure to develop higher density residential, commercial, and industrial uses within the Town which threaten the Town's historical rural character and lifestyle; and,

WHEREAS, the adoption of a moratorium on the receipt and processing of applications for Land Use Applications and Text Amendments to the Town's Comprehensive Plan will provide the Town with time to review its Comprehensive Plan; and,

WHEREAS, the Town Council believes that it is in the best interest of the Town, and its residents, to review the Town's Comprehensive Plan given the issues that have arisen, and to consider the need for amendments to the Town's Comprehensive Plan that will enhance the Comprehensive Plan's consistency with the Town's historical conditions and vision of remaining a rural area; and,

WHEREAS, the Town's Planning and Zoning Board considered this Ordinance at its May 10, 2012, meeting and recommended that the Town Council approve the moratorium.

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

Section 1. The foregoing "WHEREAS" clauses 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. **Moratorium Imposed.** The Town Council of the Town of Loxahatchee Groves hereby declares a moratorium as of April 17, 2012, for the time period specified in Section

4, subject to certain exceptions delineated in Section 3 on the processing and review of Land Use Amendments and Text Amendments to the Town's Comprehensive Plan.

Section 3. Exceptions to Moratorium. The Town Council hereby declares that the following applications shall be exempt from the Moratorium:

- a. Although filed prior to April 17, 2012, this shall confirm that the pending applications for Land Use Amendment and Text Amendment for the real property located at the Northwest Corner of Southern Boulevard and "B" Road, filed by Atlantic Land Investments, LLC., and Palm Beach State College, which are the only applications for Land Use Amendment or Text Amendments pending with the Town as of April 17, 2012, are exempt from this moratorium;
- b. Amendments to the Town's Comprehensive Plan initiated by the Town.

Section 4. Period of Moratorium. The Town Council of the Town of Loxahatchee Groves hereby declares that the moratorium shall be effective for the period through November 30, 2012, unless otherwise modified by the Town Council by ordinance.

Section 5. All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of such conflict.

Section 6. If any Section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

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Section 7. 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 5th DAY OF JUNE, 2012.

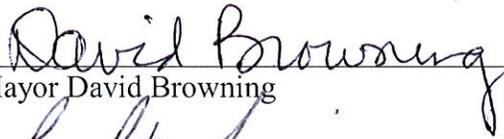
PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS 26th DAY OF JUNE, 2012.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

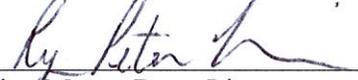
ATTEST:



TOWN CLERK



Mayor David Browning



Vice Mayor Ryan Liang

APPROVED AS TO LEGAL FORM:



Office of the Town Attorney



Council Member



Council Member



Council Member