

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2009-002

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, CONSISTENT WITH THE TOWN CHARTER, ON THE PROCESSING AND REVIEW OF APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS, AND APPLICATION FOR AMENDMENTS TO THE TOWN COMPREHENSIVE PLAN, AND THE CORPORATE BOUNDARIES OF THE TOWN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the requirements of Chapter 2006-328, Laws of Florida, (the "Town Charter") 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, as provided in the Town Charter, the Palm Beach County Comprehensive Plan is the Town's interim Comprehensive Plan while the Town prepares it own Comprehensive Plan; and,

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

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May 30, 2009, in order to provide additional time for the Town to adopt its Comprehensive Plan and its Land Development Regulations; and

WHEREAS, the Town has historically been viewed as primarily a rural area, and currently has a population of approximately 3,300 persons;

WHEREAS, over the past several years the area within the Town has experienced pressures to develop higher density residential, commercial, and industrial uses; and,

WHEREAS, large areas of the Town remain either undeveloped or designated in the current future land use map as agricultural; and,

WHEREAS, the Town expects the unprecedented growth to continue for several years, with expected pressures 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 development pressures within the Town has and will continue to create significant development-related problems related to schools, parks, traffic and roadways, and the delivery of municipal services; and,

WHEREAS, the Town has developed a Comprehensive Plan that will provide appropriate goals and objectives designed to address the expected continuing record development within the Town; and,

WHEREAS, portions of the Town's Comprehensive Plan differ from the County Comprehensive Plan, and the continued processing of applications for certain development orders and permits under the County Comprehensive Plan, and amendments to the current Comprehensive Plan, may result in development inconsistent with the Town's ultimately adopted Town Comprehensive Plan; and,

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WHEREAS, the adoption and extension of the Moratorium on the processing of applications for certain development orders and permits and amendments to the current Comprehensive Plan will provide the Town time to prepare and adopt its own Comprehensive Plan and avoid continuing development that may be inconsistent with the ultimately adopted Town Comprehensive Plan; and,

WHEREAS, since the time that the Town Council adopted the Moratorium Ordinance, the Town has been working to adopt its own Comprehensive Plan, and on April 15, 2009, the Department of Community Affairs (the "Department ") found the Town's Comprehensive Plan to be "in compliance"; and

WHEREAS, absent a challenge to the Department's finding that the Town's Comprehensive Plan is in compliance, the Town's Comprehensive Plan will be effective on May 6, 2009; and

WHEREAS, the Town Council is currently interviewing consulting firms to assist the Town in drafting its Land Development Code in order to provide for development guidelines and standards for development within the Town; and

WHEREAS, it is anticipated that the Town will draft and adopt its Uniform Land Development Code on or before February 28, 2010; and

WHEREAS, the Town requires time to insure that there is no challenge to its Comprehensive Plan, and thereafter to have it become effective within the Town, as well as to develop and implement the land development regulations necessary to implement the Town's Comprehensive Plan and to govern development within the Town; and,

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WHEREAS, given the volume of development currently underway within the Town, the Town Council believes that it is necessary to prevent any additional development that may be inconsistent with the Town's ultimately adopted Comprehensive Plan until such time as the Town's Comprehensive Plan is legally effective, and that the Town has adopted its own Land Development Regulations; and,

WHEREAS, the Town Council of the Town of Loxahatchee Groves has determined that it is in the best interests of the citizens of the Town of Loxahatchee Groves to enact and extend the Moratorium on the processing of certain applications for development orders and development permits, as specified herein, as well as applications for amendments to the Town's current Comprehensive Plan within the Town, as set forth hereinafter, to provide time for the Town to transmit and develop its own municipal Comprehensive Plan to govern new development within the Town, subject to certain exemptions specified herein; and

WHEREAS, due to the fact that the Town's Comprehensive Plan is not legally effective, and that the Town is statutorily required to adopt its land development regulations in order to ensure that any future development which occurs within the Town is consistent with Town's Comprehensive Plan, the Town Council finds it necessary to extend the Moratorium and act pursuant to Ordinance No. 2007-07 for an additional period of time up to and including February 28, 2010; and

WHEREAS, the Town Council finds that the extension of the Moratorium is in the best interest of the health, safety and welfare of the Town residents.

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

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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. That Section Five of Ordinance No. 2007-07 of the Town of Loxahatchee Groves is hereby amended to provide for an extension of the Moratorium up to, and including, February 28, 2010, unless otherwise modified by the Town Council. All other provisions of Ordinance No. 2007-07, as amended, shall remain in full force and effect.

Section 3. 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 4. 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 5. 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 ___ DAY OF _____, 2009.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ___ DAY OF _____, 2009.

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FLORIDA

ATTEST:

Mayor David Browning

TOWN CLERK or Authorized Representative

Vice Mayor Dennis Lipp

APPROVED AS TO LEGAL FORM:

Council Member

Office of the Town Attorney

Council Member

Council Member

DNT:dnt

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