

ORDINANCE NO. 77

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, DECLARING AND ENACTING A NINE (9) MONTH MORATORIUM ON ALL DEVELOPMENT ORDERS AND SUBDIVISION APPLICATIONS RELATIVE TO ALL LANDS CURRENTLY DESIGNATED AS "AGRICULTURAL" IN THE VILLAGE'S COMPREHENSIVE DEVELOPMENT PLAN AND ZONED "AGRICULTURE" IN ACCORDANCE WITH THE VILLAGE'S ZONING CODE TO ALLOW FOR THE ADOPTION OF TEXT AMENDMENTS TO THE COMPREHENSIVE PLAN AND ZONING CODE REGARDING DENSITY AND OTHER DEVELOPMENT REGULATIONS; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Golf, Florida has determined that all lands currently designated as "Agricultural" in its Comprehensive Plan and zoned "Agriculture" in accordance with its Zoning Code require additional review as the Village plans for ultimate buildout; and

WHEREAS, the Village of Golf, Florida is now currently preparing its Evaluation and Appraisal Report ("EAR") as required by Chapter 163, *Florida Statutes*; and

WHEREAS, the Village of Golf, Florida desires to review and consider amendments to its Comprehensive Plan and Zoning Code to address density and various land development regulations relative to all lands designated in its Comprehensive Plan as "Agricultural" and/or zoned "Agriculture"; and

WHEREAS, in order to allow the Village time to accomplish these proposed amendments, the Village Council believes it to be in the best interests of the Village to declare a moratorium on all development orders and/or subdivision requests for all property designated in its Comprehensive Plan and/or zoned "Agricultural" or "Agriculture"; and

WHEREAS, in accordance with the case of City of Sanibel v. Buntrock, 409 So. 2d 1073 (Fla. 2nd DCA 1981, reh. Den. 1982) and its progeny, a moratorium must be adopted with the same formality as an ordinance which re-zones property; and

WHEREAS, the Village of Golf, Florida, has carefully prepared this ordinance and is working on amendments to its comprehensive development plan and zoning code in order to plan for the orderly and consistent development of all lands zoned "Agriculture" and/or designated

"Agricultural" in its Comprehensive Plan; and

WHEREAS, the Village of Golf, Florida desires to preserve the status quo while it formulates adequate comprehensive plan amendments and land development regulations during the moratorium period to provide for the proper development of its unique residential community; and

WHEREAS, the Village of Golf, Florida has held all duly required public hearings; and

WHEREAS, the Village Council desires to adopt this ordinance in order to allow it sufficient time to amend to the current comprehensive development plan and zoning code to guide and control the future development of the Village, and to preserve, promote and protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, THAT:

Section 1: The Village Council of the Village of Golf, Florida, hereby declares and enacts a nine (9) month moratorium on the issuance of development orders and applications for subdivision for all property designated as "Agricultural" in its Comprehensive Plan and/or zoned "Agriculture" in accordance with its zoning code.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon passage.

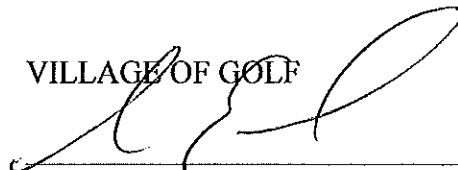
FIRST READING this 29th day of March, 2006.

SECOND AND FINAL READING this 11th day of April, 2006.

✓

Aye

Nay

VILLAGE OF GOLF


Mayor Michael E. Botos

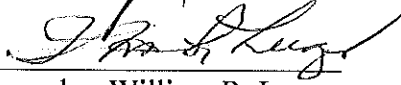
Aye Nay

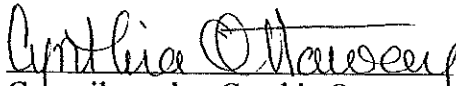
Aye Nay


Aye Nay

Aye Nay


Vice Mayor Erik E. Joh


Councilmember William R. Lugar


Councilmember Cynthia Ottaway

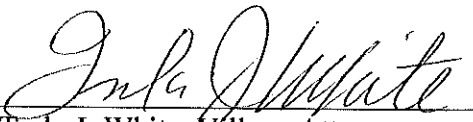

Councilmember William Rodawig

ATTEST:

(SEAL)


Carol Marciano, Village Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY.


Trela J. White, Village Attorney

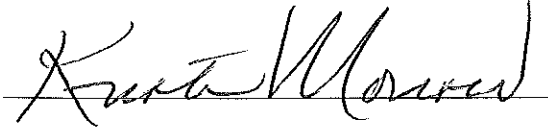
THE PALM BEACH POST

Published Daily and Sunday
West Palm Beach, Palm Beach County, Florida

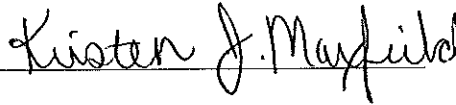
PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH


Before the undersigned authority personally appeared **Kristi Morrow**, who on oath says that she is **Customer Service Supervisor** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter of **Ordinance 77** was published in said newspaper in the issues of **April 5, 2006**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before 5th day of April A.D. 2006



Personally known XX or Produced Identification _____
Type of Identification Produced _____

NOTARY PUBLIC-STATE OF FLORIDA
 Kristen J. Maxfield
Commission # DD528685
Expires: MAR. 14, 2010
Bonded Thru Atlantic Bonding Co., Inc.

