

## ORDINANCE NO. 81

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, EXTENDING THE DECLARED 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 FOR AN ADDITIONAL NINE (9) MONTH PERIOD 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 has prepared its Evaluation and Appraisal Report ("EAR") as required by Chapter 163, *Florida Statutes*, which was found in compliance by the DCA on July 31, 2006; and

WHEREAS, the Village of Golf, Florida proposes to transmit its EAR based amendments to the DCA in January 2007; and

WHEREAS, the Village of Golf, Florida desires additional time 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 extend the declared 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. 2<sup>nd</sup> 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 that the existing declared 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 is hereby extended for an additional nine (9) month period or until October 11, 2007.

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 retroactively to January 11, 2007 upon passage.


FIRST READING this 29<sup>th</sup> day of November, 2006.

SECOND AND FINAL READING this 31<sup>st</sup> day of January, 2007.

VILLAGE OF GOLF

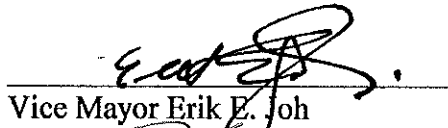
X  
Aye

        
Nay

  
Mayor Michael E. Botos

X  
Aye

        
Nay

  
Vice Mayor Erik E. Joh


X  
Aye

        
Nay

  
Councilmember William R. Lugar

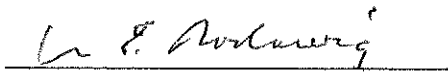
X  
Aye

        
Nay

  
Councilmember Cynthia Ottaway

X  
Aye

        
Nay

  
Councilmember William Rodawig

ATTEST:

(SEAL)

  
Carol Marciano Village Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY.

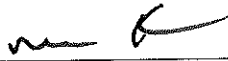
  
Trela J. White, Village Attorney

THE PALM BEACH POST  
Published Daily and Sunday  
West Palm Beach, Palm Beach County, Florida

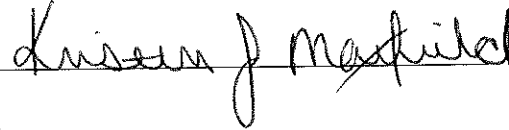
PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH


Before the undersigned authority personally appeared **Marc Kramer**, who on oath says that he is **Inside Sales 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 81** was published in said newspaper in the issues of **January 25, 2007**. 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 25<sup>th</sup> day of January, A.D. 2007



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.

NO. 4807

NOTICE OF PROPOSED  
EXTENSION OF  
MORATORIUM ON  
ORDINANCE NO. 4807

The Village of Golf proposes to adopt

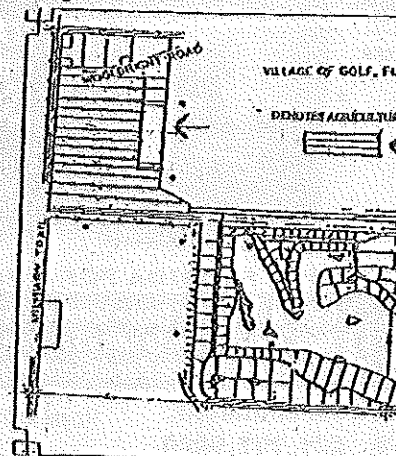
ORDINANCE NO. 4807

AN ORDINANCE OF THE VILLAGE OF GOLF, FLORIDA, TO EXTEND THE VILLAGE OF GOLF, FLORIDA MORATORIUM ON ORDERS AND SUBDIVISIONS TO ALL LANDS CURRENTLY ZONED "AGRICULTURAL" IN THE VILLAGE OF GOLF, FLORIDA, DEVELOPMENT PLAN AND ZONING ORDINANCE, IN ACCORDANCE WITH THE VILLAGE OF GOLF, FLORIDA, FOR AN ADDITIONAL NINE (9) MONTHS TO ALLOW FOR THE ADOPTION OF A COMPREHENSIVE PLAN REGARDING DENSITY AND ZONING REGULATIONS; PROVIDING A SEVERABILITY CLAUSE AND A SEVERABILITY CLAUSE; AND FOR OTHER PURPOSES.

A Public Hearing and Second Reading of Ordinance referenced above moratorium for an additional nine (9) months, January 31, 2007 at 9:00 a.m. or any time thereafter, any item can be heard at the Village Council Room, Village of Golf, Florida 33433. The hearing will be continued from time to time and may be held on any day. A copy of the Ordinance which is proposed can be inspected and copied at the Village Office during business hours of 8:00 a.m. to 4:00 p.m. on Friday. All interested persons are encouraged to attend the public hearing and be heard.

If a person decides to appeal any decision of the Village Council with respect to any matter or hearing, he or she will need to inform the Village Council of the proceedings is made, which includes testimony and evidence from which the Village of Golf does not provide.

The location of the lands within the Village's Comprehensive Plan and Zoning Ordinance or Agriculture" are shown on the map.



PUBLISH: January 25, 2007