

TOWN OF GOLDEN BEACH

ORDINANCE NO. 520.07

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, CREATING SECTION 66-71 "SUBDIVISION OF LAND IN ZONE ONE" OF CHAPTER 66 "ZONING" OF THE TOWN OF GOLDEN BEACH CODE OF ORDINANCES TO ESTABLISH MINIMUM REQUIREMENTS FOR SUBDIVISION OF LAND IN ZONE ONE; PROVIDING FOR VESTED RIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council finds that the historical character of the ocean front (Zone One) area of the Town is being adversely affected by the subdivision of estate properties; and

WHEREAS, the Town Council desires to create Section 66-71 "Subdivision of Land in Zone One" to establish the minimum requirements for subdivision of land located in Zone One in order to preserve the unique character of the Town of Golden Beach; and

WHEREAS, the Town Council finds that this Ordinance is in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Town Code Amended. That Chapter 66 "Zoning" of the Code of Ordinances of the Town of Golden Beach, Florida is hereby amended by creating Section 66-71 "Subdivision of Land in Zone One" to read as follows:

Sec. 66-71. Subdivision of Land in Zone One.

A. Minimum Requirements.

Notwithstanding any other provisions in the Town Code regarding the subdivision of land or the establishment of Buildable Lots, when any property owner subdivides or alters the dimensions or configuration of any land in Zone One, including existing Buildable Lots or any combination of Buildable Lots, through any legal method of subdivision, including platting or waiver of plat, no resulting lot, site, tract, parcel or Buildable Lot in Zone One shall have less than: (a) 100 feet of frontage along a street; (b) 150 feet of depth; and (c) 15,000 square feet of area.

For purposes of this Section, the term "subdivide" or "subdivision" shall be defined to mean (a) the division of land for any use so as to create one or more lots, sites, tracts, parcels or Buildable Lots otherwise designated of any size for the purpose of transfer of ownership, leasing, or building development.

B. Application.

The foregoing Section shall apply to all subdivisions created or otherwise established in Zone One after November 21, 2006.

A subdivision of land in any Zone other than Zone One must comply with all other applicable provisions of the Code.

Section 3. Determination of Vested Rights.

(A) Nothing in this Ordinance shall be construed or applied to abrogate the vested right of a property owner to develop or build upon any lot, site, tract, parcel or Buildable Lot in Zone One established after November 21, 2006 and prior to the effective date of this Ordinance, where the property owner can demonstrate by substantial competent evidence each of the following:

(1) The issuance of a valid and enforceable development approval authorizing the subdivision of the property in Zone One, including but not limited to a plat or waiver of plat; and

(2) Evidence that the property owner has detrimentally relied, in good faith, on the approval described in Item (1) above, by making substantial expenditures; and

(3) That it would be highly inequitable to deny the property owner the right to develop and build upon the property.

(B) Any property owner claiming vested rights under this Section 3 must file an application with the Town (on a form provided by the Town)

within 60 days after the effective date of this Ordinance. The application shall be accompanied by an application fee of \$500.00 and contain a sworn statement as to the basis upon which the vested rights are asserted, together with all documentation supporting the claim. Upon receipt of a complete application, the Town shall schedule a hearing before the Town Council. The Town Council shall hold a hearing on the application and, based upon the documentation submitted, shall make a determination as to whether the property owner has established vested rights.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Code. That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Golden Beach, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

Sponsored by Town Administration.

The Motion to adopt the foregoing Ordinance was offered on first reading by Council Member Rojas, seconded by Vice Mayor Bernstein and on roll call the following vote ensued:

Mayor Glenn Singer Aye
Vice Mayor Ken Bernstein Aye
Councilmember Ben Einstein Aye
Councilmember Judy Luskin Aye
Councilmember Amy Rojas Aye

PASSED AND ADOPTED on first reading this 15th day of May, 2007.

The Motion to adopt the foregoing Ordinance was offered on second reading by Council Member Luskin, seconded by Council Member Rojas and on roll call the following vote ensued:

Mayor Glenn Singer Aye
Vice Mayor Ken Bernstein Aye
Councilmember Ben Einstein Aye
Councilmember Judy Luskin Aye
Councilmember Amy Rojas Nay

PASSED AND ADOPTED on second reading this 21st day of August, 2007.

ATTEST:


MAYOR GLENN SINGER


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELFMAN
TOWN ATTORNEY