

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 535.08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN TO INCLUDE NEW, REVISED AND/OR UPDATED DATA, TEXT, TABLES, MAPS, FIGURES AND ANALYSIS, AS WELL AS GOALS, OBJECTIVES AND POLICIES IN THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, INFRASTRUCTURE ELEMENT, CONSERVATION ELEMENT, COASTAL MANAGEMENT ELEMENT, RECREATION AND OPEN SPACE ELEMENT, CAPITAL IMPROVEMENTS ELEMENT AND INTERGOVERNMENTAL ELEMENT; ALL IN RELATION TO CERTAIN ITEMS IDENTIFIED IN THE TOWN'S 2005-06 EVALUATION AND APPRAISAL REPORT (EAR); FURTHER AMENDING THE TOWN'S COMPREHENSIVE PLAN TO PROVIDE FOR AMENDMENTS RELATING TO WATER SUPPLY PLANNING AND ADOPTION OF RELATED WATER SUPPLY PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted comprehensive plan in adequately addressing changing conditions, state policies, and rules; and

WHEREAS, Section 163.3191(1), Florida Statutes, directs local governments to adopt an Evaluation and Appraisal Report (the "EAR") assessing the progress in implementing the local government's comprehensive plan; and

WHEREAS, the Department of Community of Affairs has reviewed the EAR and has determined it to be sufficient; and

WHEREAS, the Town has prepared the EAR-Based Comprehensive Plan amendments necessary to update the Comprehensive Plan and to address the issues and opportunities identified in the adopted EAR; and

WHEREAS, the Town has also prepared the state mandated water supply planning comprehensive plan amendments; and

WHEREAS, the Town Council, in its capacity as the Local Planning Agency, has reviewed the proposed amendments and recommends approval; and

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

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals Adopted. That the recitals set forth above are hereby adopted and confirmed.

Section 2. Adoption of EAR-Based Comprehensive Plan Amendments. The Town Council hereby adopts the EAR-Based comprehensive plan amendments, which are attached as Exhibit "A" to this Ordinance.

Section 3. Adoption of Water Supply Planning Comprehensive Plan Amendments. The Town Council hereby adopts the water supply planning comprehensive plan amendments and related water supply plan, which are attached as Exhibit "A" to this Ordinance.

¹ Additions to existing Town Code text are shown by underline; deletions from existing Town Code text are shown as ~~strikethrough~~.

Section 4. Conflicts. That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. 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 6. Effective Date. This Ordinance shall be effective immediately upon passage by the Town Council on second reading, except that the effective date of the Plan Amendment approved by this Ordinance shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the Plan Amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Department of Community Affairs notice of intent to find the Plan Amendment in compliance shall be deemed to be a final order if no timely petition challenging the Plan Amendment is filed.

Sponsored by Town Administration.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Councilmember Bernstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Amy Rojas	<u>Aye</u>
Councilmember Ken Bernstein	<u>Aye</u>

Councilmember Ben Einstein Aye
Councilmember Judy Lusskin Aye

PASSED AND ADOPTED on first reading this 18th day of November, 2008.

The Motion to adopt the foregoing Ordinance was offered by Vice Mayor Lusskin,
seconded by Councilmember Rojas and on roll call the following vote ensued:

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

PASSED AND ADOPTED on second reading this 26th day of August, 2009.

ATTEST:


MAYOR GLENN SINGER


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELFMAN
TOWN ATTORNEY