

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 574.17

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, TO AMEND DIVISION 7, - WALLS AND FENCES' OF THE TOWN'S CODE OF ORDINANCES BY ADDING – ZONE 2 – WEST SIDE OF OCEAN BOULEVARD ALL IMPROVED AND UNIMPROVED PROPERTIES ARE REQUIRED TO HAVE SIDE AND REAR YARD FENCING. AMENDING CHAPTER 66 “ZONING” TO REVISE REQUIREMENTS FOR FENCING REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the Town Council of the Town of Golden Beach (“Town Council”) finds it periodically necessary to amend its Code of Ordinances and Land Development Regulations (“Code”) in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the Town Council has studied the current Code provisions of the Town and finds that certain modifications are necessary and desirable to further regulate all residential development; and

WHEREAS, the Town desires to eliminate the use of chain link fencing for development of lots and redevelopment consistent with the aesthetic goals and conditions of the Town; and

WHEREAS, Town staff recommends approval of the proposed changes; and

WHEREAS, the Town's Local Planning Agency has reviewed this Ordinance on this 17th day of October, 2017, and has determined that it is consistent with the Town's Comprehensive Plan; and

WHEREAS, pursuant to Section 166.041 (c)(2), Florida Statutes, notice has been given by publication in a paper of general circulation in the Town, notifying the public of this proposed Ordinance and of the time and dates of the public hearings; and

WHEREAS, two (2) public hearings were held before the Town Council pursuant to the published notice described above; and

WHEREAS, the Town Council finds that adoption of this Ordinance through its police powers will protect the public health, safety, and welfare of the residents of the Town, and furthers the purpose, goals, objectives, and policies of the Town's Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA¹:

Section 1. That the preceding "Whereas" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~striketrough~~. Changes made between first and second reading are highlighted in yellow.

Section 2. That **ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS Division 7**

- WALLS AND FENCES. Section 66-187 – Construction materials is hereby added as follows:

- **Sec. 66-187. - Construction materials.**

Throughout Zones One, and on the east side of Zone Two (Golden Beach Drive) and Zone Three, live Hedges may be grown in lieu of masonry built walls or fences, in Zone 2 (the West Side of Ocean Boulevard) all properties improved or unimproved shall be required to have fencing in the side and rear yard areas, effective October 17, 2017, subject to the same height restrictions applicable in the zone. Walls and fences of plywood, composition materials, simulated-wood, or sheet metal are prohibited. However, a rail type open fence may be permitted if the wood rails are set between piers not less than 21 inches square built of brick or stone or in the alternative wooden uprights of a minimum size of six inches by six inches and spaced not more than 12 feet apart. Rails may not be smaller than four inches by four inches. Chain-link wire fence, including framing members, are covered in green or black vinyl. Alternatively, rear and side yards may be enclosed by white vinyl picket or solid panel fencing. Where chain-link, picket, or solid panel fencing are used, such fencing shall be fully screened by hedge plant material for the full height of the fence. Zones Two and Three, piling shall be required under all piers, pilasters and walls for fences and for flower boxes which may not be cantilevered from beams, except that wooden uprights as referenced above, shall not need pilings, but shall penetrate into the ground a minimum of three feet and be encased in a concrete footing with a minimum

thickness of one foot measured from the edge of the wooden upright. All fences shall be finished or constructed in such manner as to have the same appearance, design and finish on each side.

(Code 1989, § 13.14(F); Ord. No. 400.95, § 1, 1-10-95; Ord. No. 551.11, § 2, 11-15-11; Ord. No. 571.16, § 5, 11-15-16)

Section 3. That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to such extent of the conflict.

Section 5. That this Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Golden Beach Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. That this Ordinance shall take full effect immediately upon its passage and adoption.

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

Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Nay</u>
Councilmember Jaime Mendal	<u>Aye</u>

PASSED AND ADOPTED on first reading this 22nd day of August, 2017.

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


Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>

PASSED AND ADOPTED on second reading this 17th day of October, 2017.

ATTEST:

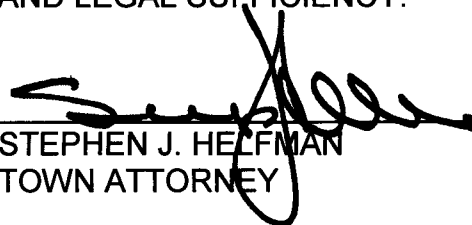


LISSETTE PEREZ
TOWN CLERK



MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY