



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Official Agenda for the October 25, 2016
Special Town Council Meeting called for 7:00 P.M.**

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. PRESENTATIONS / TOWN PROCLAMATIONS

RECOGNITION OF OFFICER OF THE THIRD QUARTER

E. MOTION TO SET THE AGENDA

ADDITIONS/ DELETIONS/ REMOVAL OF ITEMS FROM CONSENT
AGENDA/ AND CHANGES TO AGENDA

F. GOOD AND WELFARE

G. MAYOR'S REPORT

H. COUNCIL COMMENTS

I. TOWN MANAGER REPORT

J. TOWN ATTORNEY REPORT

None

K. ORDINANCES – SECOND READING

None

M. ORDINANCES - FIRST READING

- 1. An Ordinance of the Town Council Amending the “Land Development Regulations” to Address Landscaping and Drainage Requirements in Town.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN
OF GOLDEN BEACH, FLORIDA, TO AMEND SUBPART B,
“LAND DEVELOPMENT REGULATIONS” OF THE TOWN'S
CODE OF ORDINANCES TO ADDRESS LANDSCAPING

AND DRAINAGE REQUIREMENTS BY AMENDING CHAPTER 50 "BUILDINGS AND BUILDING REGULATIONS"; CREATING CHAPTER 52 "LANDSCAPING"; AMENDING CHAPTER 58 "DEVELOPMENT STANDARDS" AND CHAPTER 66 "ZONING"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 571.16

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 571.16

N. QUASI JUDICIAL RESOLUTIONS

None

O. CONSENT AGENDA

2. Official Minutes of the August 16th, 2016 Regular Town Council Meeting
3. Official Minutes of the September 6th, 2016 First Budget Hearing
4. A Resolution of the Town Council Approving the Waste Disposal Agreement with Wheelabrator South Broward, Inc.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA APPROVING A WASTE DISPOSAL AGREEMENT WITH WHEELABRATOR SOUTH BROWARD, INC.; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2466.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2466.16

P. TOWN RESOLUTIONS

5. A Resolution of the Town Council Approving a Street Lighting Proposal for Professional Engineering Services from Stantec Consulting Services, Inc.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA APPROVING A

PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FROM STANTEC CONSULTING SERVICES, INC. TO DESIGN THE UPGRADE OF THE TOWN'S EXISTING STREET LIGHTS; PROVIDING FOR A WAIVER OF BIDDING PROCEDURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2467.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2467.16

Q. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Kenneth Bernstein:
None Requested

Councilmember Bernard Einstein:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Judy Lusskin:
None Requested

Town Manager Alexander Diaz:
Under-sized lots:

- Setbacks
- Heights in All Zones

R. ADJOURNMENT:

DECORUM:

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COUNCIL SHALL BE BARRED FROM THE COUNCIL CHAMBERS BY THE PRESIDING OFFICER. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACE CARDS SHALL BE ALLOWED IN THE COUNCIL CHAMBERS. PERSONS EXITING THE COUNCIL CHAMBERS SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COUNCIL CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS.

PURSUANT TO FLORIDA STATUTE 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR THAT PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE

CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHER INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IF YOU NEED ASSISTANCE TO ATTEND THIS MEETING AND PARTICIPATE, PLEASE CALL THE TOWN MANAGER AT 305-932-0744 EXT 224 AT LEAST 24 HOURS PRIOR TO THE MEETING.

RESIDENTS AND MEMBERS OF THE PUBLIC ARE WELCOMED AND INVITED TO ATTEND.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: October 25, 2016

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Subject: Ordinance No. 571.16 – Amending Code, Subpart B, “Land
Development Regulations” to Address Landscaping and
Drainage Requirements

Item Number:

1

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 571.16 as presented.

Background:

The Town’s Landscape Ordinance has always been an area of concern for the Administration, and with the completion of the Capital Improvement Projects we would like to ensure that the aesthetics of the Town’s curb appeal be one that enhances the value of our community.

During the last few months we have held workshops on a complete replacement of the Town’s Landscape Ordinance. This Ordinance is a working product of the discussions we held during the workshops. We hope that between first and second reading we can fine tune any final concerns that you may have.

We strongly recommend that you adopt this Ordinance as presented.

Fiscal Impact:

None.

1
2 **TOWN OF GOLDEN BEACH, FLORIDA**

3
4 **ORDINANCE NO. 571.16**

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6 **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN**
7 **BEACH, FLORIDA, TO AMEND SUBPART B, “LAND DEVELOPMENT**
8 **REGULATIONS” OF THE TOWN’S CODE OF ORDINANCES TO**
9 **ADDRESS LANDSCAPING AND DRAINAGE REQUIREMENTS BY**
10 **AMENDING CHAPTER 50 “BUILDINGS AND BUILDING**
11 **REGULATIONS”; CREATING CHAPTER 52 “LANDSCAPING”;**
12 **AMENDING CHAPTER 58 “DEVELOPMENT STANDARDS” AND**
13 **CHAPTER 66 “ZONING”; PROVIDING FOR SEVERABILITY;**
14 **PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE**
15 **CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

16
17 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166,
18 Florida Statutes, provide municipalities the authority to exercise any power for municipal
19 purposes, except where prohibited by law, and to adopt ordinances in furtherance of such
20 authority; and

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

25 **WHEREAS**, the Town of Golden Beach (“Town”) has adopted goals and policies
26 through its Comprehensive Plan related to the development of landscaping standards;
27 and

28 **WHEREAS**, the Town desires to provide landscape regulations consistent with the
29 aesthetic goals and conditions of the Town; and

30 **WHEREAS**, the Town desires to consolidate all landscaping requirements in a
31 single location; and

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

33 **WHEREAS**, the Town’s Local Planning Agency has reviewed this Ordinance, and
34 has determined that it is consistent with the Town’s Comprehensive Plan; and

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

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

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

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

46 **Section 1.** That the preceding “Whereas” clauses are ratified and incorporated as
47 a record of the legislative intent of this Ordinance.

48 **Section 2.** That Chapter 50 “Buildings and Building Regulations” of the Town of
49 Golden Beach Land Development Code is amended to read as follows:

50 **Subpart B - LAND DEVELOPMENT REGULATIONS**
51 **Chapter 50 - BUILDINGS AND BUILDING REGULATIONS**

52 * * *

53 **Sec. 50-7. - Approval of plans, permits.**

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~. Changes which are ~~struck through AND underlined~~ were initially proposed for addition, but have been recommended for deletion subsequent to the September 20, 2016 workshop. Revisions subsequent to the September 20, 2016 workshop are highlighted in yellow.

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- (a) All building plans, permits or other construction authorization shall be approved in writing by the Town Building Official.
- (b) The Town Building Official shall review with the builder all plans submitted for the construction of new buildings or alteration of existing buildings. If the plans meet all code requirements of the Town and other applicable governmental authority, the Building Official shall approve the plans.
 - (1) All zoning approvals and variances are to be submitted pursuant to section 66-31 et seq.
 - (2) Final working drawings and engineer's plans are not required for zoning and variances approval or recommendation of the Building Regulation Advisory Board provided that there is no substantial change or deviation from the approved plan prior to issuance of permit or during construction.
 - (3) All submissions of plans shall include as a minimum, the following items:
 - a. An artist's or architect's colored drawing of front elevations of the building as completed.
 - b. An architect's drawing of the parking plan, drainage, pervious calculations ~~landscape plan~~ and description and actual samples of all materials to be used on the exterior of the home, including roof tile if not white in color.
 - c. An architect's computation of the structure's lot coverage, square footage and height of finished first floor.
 - d. A plat and survey sealed within the last six months, showing compliance with platting, replatting or waiver of plat requirements of this Code.
 - e. A Landscape Plan prepared by a State of Florida registered Landscape Architect in accordance with the provisions of Chapter 52 "Landscaping".

* * *

Sec. 50-11. - Demolition of structures.

- (a) Demolition permit required. It shall be unlawful to remove or demolish any building or structure, or any part thereof without first applying for and

100 receiving a demolition permit from the Town. Any Person requiring a
101 demolition permit, in addition to filing an application therefore, shall pay all
102 fees as required in this article. The actual time of demolition, cleanup, and
103 where applicable, regarding and revegetation shall not exceed 90 days from
104 the date of issuance.

105
106 (b) Submission of plans, bond. Prior to the issuance of any demolition permit
107 the applicant shall submit to the Town Building Official for review and
108 approval two copies of a demolition plan, a regrading ~~regarding~~ and
109 revegetation plan, and a cash performance bond in the amount of 150
110 percent of the estimated cost of implementing the regarding and
111 revegetation plan.

112
113 (c) Demolition plan. The demolition plan shall include:

- 114 (1) A written description and/or graphic display of the buildings and/or
115 portions of buildings to be demolished.
- 116 (2) A description of the means of demolition to be utilized.
- 117 (3) The expected date for demolition to begin.
- 118 (4) The estimated number of days necessary to complete the demolition
119 and remove the resulting debris.
- 120 (5) Any additional documentation that may be required by the Building
121 Department.

122
123 (d) ~~Regrading~~ Re-grading and revegetation plan. The ~~regarding~~ re-grading and
124 revegetation plan shall be prepared by a State of Florida registered
125 landscape architect and shall include:

- 126 (1) A regrading plan providing for the regrading of the site so that it will
127 be generally smooth and level so that there are no drop-offs, holes
128 or other features which might pose a safety hazard or threaten to
129 damage adjacent property or any areas likely to hold standing water
130 that might pose a potential health or safety hazard.
- 131 (2) A revegetation plan providing that the site shall be revegetated by
132 being properly treated with topsoil, ~~sprigged~~ or sodded with a lawn
133 grass commonly used in Miami-Dade County, and maintained until
134 growth is self-sustaining consistent with the requirements of chapter
135 52. If the demolition site is beachfront property and the landscape
136 architect determines that portions of the site are not suitable for
137 revegetation with any of the lawn grasses commonly used in Miami-
138 Dade County, then the Town Manager or designee Building
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Official may approve revegetation of those portions of the demolition site with appropriate native vegetation suitable for coastal conditions. The Town will not approve any proposed landscape east of the Coastal Construction Control Line (CCCL) line without prior approval from the State of Florida Department of Environmental Protection. plants from the following list:

Scientific Name	Common Name
Gakile	Sea rocket
Hetrotheca subaxillaris	Camphorweed
Ipomoea pes-carprae	Railroad vine/beach morning glory
Panicum amarularum	Dune panic grass
Paspalum vaginatum	Salt jointgrass
Scaevola plumieri	Inkberry
Sesuvium portulacastrum	Sea purslane
Smilax spp.	Bamboo vine
	Horsebriar
	Greenbriar
Spartina patens	Saltmeadow cordgrass
Uniola planiculata	Sea oats

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or any other plants certified by a registered landscape architect as being equivalent to the species listed in this subsection. These plants shall also be maintained until they become self-sustaining.

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Section 3. That Chapter 52 “Landscaping” of the Town of Golden Beach Land

Development Code is created to read as follows:

161

Chapter 52 - LANDSCAPING

162

163

ARTICLE I. - IN GENERAL

164

165

Sec. 52-1. - Definitions.

166

167 The following words, terms and phrases, when used in this chapter, shall have the
168 meanings ascribed to them in this section, except where the context clearly indicates a
169 different meaning:

171 ANSI A300 Standards means Industry-developed standards of practice for tree
172 care. Acronym for American National Standards Institute.

174 Artificial turf means an artificial product manufactured from synthetic materials that
175 simulates the appearance of natural turf, grass, sod or lawn.

177 Best Management Practices means best-available, industry-recognized courses of
178 action, in consideration of the benefits and limitations, based on scientific research and
179 current knowledge.

181 Branch collar means area where branch joins another branch or trunk that is
182 created by the overlapping vascular tissue from both the branch and the trunk.

184 Caliper means for trees under four (4) inches in diameter, the trunk diameter
185 measured at a height of six (6) inches above natural grade. For trees four (4) inches and
186 greater in diameter, the trunk diameter measured at twelve (12) inches above natural
187 grade.

189 Canopy means the upper portion of a tree consisting of limbs, branches and
190 leaves.

192 Clear trunk means the distance between the top of the root all along the vertical
193 trunk or trunks of a tree to the point at which lateral branching or fronds begin.

195 Corner Lot means a lot located at the intersection of two streets and abutting such
196 streets on two adjacent sides.

198 Diameter at breast height (DBH) means the diameter of a tree's trunk measured at
199 a height four and one-half (4.5) feet above natural grade. In the case of multiple-trunk
200 trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four
201 and one-half (4.5) feet above natural grade.

203 Drip line means an imaginary vertical line extending from the outermost horizontal
204 circumference of a tree's branch to the ground.

206 Florida-Friendly Landscaping means practices, materials or actions developed by
207 the Florida Yards and Neighborhood Program that help to preserve Florida's natural
208 resources and protect the environment.

210 Florida Yards and Neighborhood Program is a partnership of the University of
211 Florida/Institute of Food and Agricultural Sciences, Florida's Water Management Districts,
212 the Florida Department of Environmental Protection, the National Estuary Program, the

213 Florida Sea Grant College Program and other agencies, managed locally by the Miami-
214 Dade Cooperative Extension Division of the Consumer Services Department.

215
216 Grey wood means the area of trunk on a palm from ground level to the palm frond
217 sheath.

218
219 Groundcover means plant material which is a dense, extensive growth of low-
220 growing plants, other than turfgrass, normally reaching a maximum height of not more
221 than 24 inches at maturity.

222
223 Hatrack means to flat-cut the top of a tree, severing the leader or leaders, or the
224 removal of any branch three (3) inches or greater in diameter at any point other than the
225 branch collar.

226
227 Hedge means a landscape barrier consisting of a continuous, dense planting of
228 shrubs, not necessarily of the same species.

229
230 Hydrozone means a zone in which plant material with similar water needs are
231 grouped together.

232
233 Landscape feature means trellis, arbor, fountain, pond, garden sculpture, garden
234 lighting, decking, patio, decorative paving, gazebo, and other similar elements.

235
236 Landscape material means plants such as grass, groundcover, forbs, shrubs,
237 vines, hedges, trees and non-living material such as rocks, pebbles, sand, mulch, or
238 pervious decorative paving materials.

239
240 Landscape Manual means the Miami-Dade County Landscape Manual adopted
241 under Chapter 18A of the Code of Miami-Dade County which is to be used as a guide to
242 this section.

243
244 Landscape Plan means a plan indicating all landscape areas, stormwater
245 retention/detention areas, areas which qualify to be excluded from maximum permitted
246 lawn area, existing vegetation to be retained, proposed plant material, landscape legend,
247 landscape features, planting specifications, details, and all other relevant information in
248 compliance with this chapter.

249
250 Lawn area means a planted species normally grown as permanent lawn in the
251 vicinity of South Florida.

252
253 Mulch means organic, arsenic free, material such as wood chips, pine straw or
254 bark placed on the soil to reduce evaporation, prevent soil erosion, control weeds and
255 enrich the soil.

256

257 Native habitat means an area enhanced or landscaped with an appropriate mix of
258 native tree, shrub and groundcover species that resembles a native plant community or
259 natural forest community in structure and composition or is naturally occurring.
260

261 Native plant species means plant species with a geographic distribution indigenous
262 to South Florida. Plants which are described in the Florida Yards and Neighbors
263 Publication: Native Plants for South Florida.
264

265 Native plant community means a natural association of plants dominated by one
266 (1) or more prominent native plant species, or a characteristic physical attribute.
267

268 Patio or pool deck means a paved outdoor area, whether of wood or other
269 construction, adjoining a house.
270

271 Pervious Area means pervious area as defined in section 58-1.
272

273 Planting detail means a graphic representation of the plant installation depicting
274 the materials to be used and dimensions to be met in the placement of plants and other
275 landscape materials.
276

277 Prohibited plant species means those plant species listed in the Miami-Dade
278 Landscape Manual which are demonstrably detrimental to native plants, native wildlife,
279 ecosystems, or human health, safety, and welfare.
280

281 Shrub means a self-supporting woody perennial plant normally growing to a height
282 of twenty-four (24) inches or greater, characterized by multiple stems and branches
283 continuous from the base.
284

285 Specimen tree means a tree with any individual trunk which has a DBH of eighteen
286 (18) inches or greater, but not including the following:
287

288 (a) All trees listed in Section 24-49(4)(f) of the Code of Miami-Dade County;
289

290 (b) Non-native fruit trees that are cultivated or grown for the specific purpose of
291 producing edible fruit, including, but not limited to, mangos, avocados, or
292 species of citrus;
293

294 (c) Non-native species of the genus Ficus, and
295

296 (d) All multi-trunk trees in the palm family, except Acoelorrhaphe wrightii and
297 Phoenix reclinata which have a minimum overall height of fifteen (15) feet.
298

299 Sight distance triangle means a triangular area of land occurring at the intersection
300 of two (2) streets or a driveway and street which is maintained free of visual obstructions
301 so as to provide adequate visibility of oncoming pedestrians or vehicles.
302

303 Substantial improvement means any repair, reconstruction, rehabilitation or
304 improvement of a structure, the cost of which equals or exceeds, over a one-year period,
305 a cumulative total of 50 percent of the current assessed value as provided by the Miami-
306 Dade County Property Appraiser, of the structure either:

- 307 (1) Before the improvement or repair is started; or
308 (2) If the structure has been damaged and is being restored, before the damage
309 occurred.

310
311 Swale means swale as defined in section 66-1.

312
313 Tree means a self-supporting, woody perennial plant, usually with one vertical
314 stem or main trunk, which naturally develops a distinct, elevated crown and provides, at
315 maturity, natural characteristics of the species.

316
317 Tree abuse shall include:

- 318
319 (a) Damage inflicted upon any part of a tree, including the root system, by
320 machinery, construction equipment, cambium layer penetration, storage of
321 materials, soil compaction, excavation, chemical application or spillage, or
322 change to the natural grade.
323
324 (b) Hatracking, flat-cutting the top of a tree, severing leader or leaders of a tree.
325
326 (c) Cutting upon a tree which destroys its natural habit of growth.
327
328 (d) Girdling or bark removal of more than one-third (1/3) of the tree diameter.
329
330 (e) Tears and splitting of limb ends or peeling and stripping of bark resulting
331 from improper pruning techniques not in accordance with the current ANSI
332 A300 Standards.

333
334 Tree canopy means the aerial extent of the branches and foliage of a tree as
335 defined by the drip line.

336
337 Turf means the upper layer of soil matted with roots of grass and covered by viable
338 grass blades.

339
340 Vegetation survey means a drawing provided at the same scale as the landscape
341 plan which includes relevant information as required by this chapter.

342
343 Vine means a plant with a flexible stem which normally requires support to reach
344 mature form.

345
346 **Sec. 52-5. - Purpose and Intent.** It is the intent of this section to establish and require
347 enforcement of minimum landscape standards that will enhance, improve, and maintain
348 landscaping through the application of the following principles:

- 349
350 (a) To create and enhance the aesthetic subtropical character and identity
351 distinctiveness of the Town of Golden Beach.
352
353 (b) To improve the aesthetic appearance of the Town through the use of plant
354 material, thereby protecting and increasing property values within the
355 community.
356
357 (c) To design landscaping to enhance architectural features, relate structure
358 design to the site, visually screen unsightly views, and strengthen important
359 vistas.
360
361 (d) To promote the use of more wind tolerant trees and proper horticultural
362 planting methods in order to maintain a more sustainable landscape.
363
364 (e) To promote the use of Florida Yards & Neighborhoods (FYN) "Florida-
365 friendly" landscaping principles by using drought-tolerant plants, grouping
366 plant material by water requirements, using irrigation systems that conserve
367 the use of potable and non-potable water supplies, maximizing the use of
368 mulch and restricting the amount of lawn areas.
369
370 (f) To prevent the destruction of the Town's existing tree canopy and promote
371 its expansion.
372
373 (g) To provide for the preservation of specimen trees in conformance with
374 section 24-49 of the Code of Miami-Dade County, as may be amended from
375 time to time.
376
377 (h) To re-establish the native habitat along the beach, and encourage the
378 use of native plant material.
379
380 (i) To promote the use of trees and shrubs for energy conservation.
381
382 (j) To reduce the negative impacts of invasive plant species as identified
383 by the Florida Exotic Pest Plant Council and prohibit the use of noxious
384 exotic plants which invade native plant communities.
385
386 (k) To promote the FYN "Florida-friendly" landscaping principle of planting
387 the appropriate tree in the correct location to avoid problems such as
388 clogged sewers, damage to paved areas, power service interruptions
389 and impact on neighboring properties.
390
391 (l) To promote the FYN "Florida-friendly" landscaping principle of replacing
392 high-maintenance and/or problem-prone plants with low-maintenance plant
393 species that have low water and fertilizer requirements and are relatively
394 free from pests and diseases.

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Sec. 52-10. – Standards.

- (a) The Miami-Dade County Landscape Ordinance is hereby adopted and is applicable to all property within the Town.
- (b) Further, due to the Town's coastal location and the community's desire to achieve a higher quality landscape appearance, in addition to the minimum standards set forth in the Miami-Dade County Landscape Code the supplemental landscape standards provided in this Chapter that exceed or supplement the Miami-Dade standards shall be applicable to all property within the Town.
- (c) All property owners are responsible for ensuring that landscaping required to be planted pursuant to this chapter or any other applicable ordinance(s), is installed and maintained in compliance with applicable ordinances.

Sec. 52-15. - Applicability.

- (a) It is the express intent and desire of the Town Council that all properties **and swales** comply with and meet the minimum requirements set forth in the Miami-Dade County Landscape Code and Town supplemental standards stated herein.
- (b) All properties within the Town, **including their swales**, are subject to the provisions of this Chapter except as provided in section 52.75 "Nonconforming Landscaping Requirements". All existing landscaping **and swales**, whether conforming or non-conforming with this chapter, must be maintained consistent with the requirements of section 52.40 "Landscape Maintenance".
- (c) New construction. All provisions of this chapter shall be considered minimum standards for all new construction projects.
- (d) Substantial Improvements. Substantial Improvements shall be subject to all provisions of this chapter. This provision regarding compliance for properties undergoing Substantial Improvements shall be applicable to the greatest extent reasonably possible as determined by the Town Manager or designee.
- (e) Landscaping **deterioration or** improvements. If landscape in excess of 50 percent of total site landscaping, as determined by the Town Manager or designee, **requires replacement or** is voluntarily being replaced, the **Town Manager may, as reasonably possible, require additional improvements or landscape changes in order to increase compliance with this Chapter. ~~entire property shall be brought up to current landscape standards and~~**

441 requirements.—This provision regarding compliance for properties
442 undergoing landscape improvements shall be applicable to the greatest
443 extent reasonably possible as determined by the Town Manager or
444 designee.

- 446 (f) Swales. In addition to the compliance requirements above, the property
447 owner responsible for any swale which is not in compliance with this
448 chapter, shall meet the requirements of Section 52-45 “Swale Regulations”.

449 **Sec. 52-20. - Landscape Approval Required.** Prior to review by the Building Regulation
450 Advisory Board, or issuance of a building permit, a landscape plan and vegetation survey
451 shall be submitted to the Town and approved by the Town Manager or designee. No
452 building permit shall be issued until the applicant submits and has approval of a landscape
453 plan and vegetation survey that meet the requirements of this Code of Ordinances. All
454 landscape plans must be signed and sealed by a State of Florida Registered Landscape
455 Architect. Such materials shall be complete and comply with this section unless waived
456 in whole or in part by the Town Manager or designee upon a determination that such
457 information is not applicable or not essential to the review of a specific project.

- 459 (a) A landscape plan including the following components shall be provided:
- 461 (1) Drawn to a suitable scale indicating property boundaries,
462 dimensions, north arrow, graphic scale, date and street names.
463 Recommended scale to be one inch equals 8 feet.
 - 465 (2) Location, condition, names, sizes, DBH of existing trees and site
466 improvements along any abutting properties within 20 feet of the
467 property lines, including right of ways.
 - 469 (3) Delineate proposed structures, overhangs, vehicular use areas,
470 fences, mechanical equipment, sidewalks, decks, pools, locations of
471 utilities and similar features.
 - 473 (4) Location and outline of existing structures and site improvements to
474 remain.
 - 476 (5) Designate common and scientific name, location, size (in
477 height, spread and trunk caliper), quantity, and quality of
478 living plant material proposed to be installed or maintained
479 on the site.
 - 481 (6) Identify and describe the location and characteristics of all non-living
482 landscape materials.
 - 484 (7) Show all landscape features, areas of vegetation required to be
485 preserved by law, (including but not limited to trees, plants,

486 shrubs, native habitats, wetlands, and mangroves), in context
487 with the location and outline of existing and proposed buildings,
488 fences, and other structural improvements being contemplated
489 on the site.

490
491 (8) Location of existing and proposed easements, right of ways,
492 drainage structures, overhead utility wires, underground
493 utilities, above ground electrical elements, and transformers.

494
495 (9) All planting detail and specifications including but not limited to
496 staking, method of vine attachment, fertilization, topsoil,
497 planting soil, mulching, applicable drainage, root barriers, tree
498 protection, and any other subsurface treatments specifications
499 and general notes.

500
501 (10) Indicate method to protect trees during construction in
502 accordance with Section 52-70 "Tree Protection Requirements
503 During Construction".

504 (11) Indicate method(s) to relocate trees during construction.

505
506 (12) Include a landscape tabulation indicating the minimum
507 requirements under this Chapter; plant material and the
508 quantity, quality, size, and species of all plant material to be
509 planted, preserved, or relocated; net lot area; square footage
510 of paved area; square footage of pervious area, street
511 lengths, property lines, percentages of sod, native/drought
512 tolerant percentages; and such other information as may be
513 required by the Town Manager or designee to make a
514 determination that the landscape plan meets the
515 requirements of this section.

516 (13) An in-ground irrigation plan meeting the requirements of section
517 52-50 "Irrigation Requirements".

518 ~~(14) A paving and drainage plan including all areas of hardscape, which~~
519 ~~conforms, at a minimum, to Section 52-55, "Drainage", and~~
520 ~~includes engineering calculations confirming that all stormwater~~
521 ~~runoff will be retained on-site and that the proposed development~~
522 ~~will not create flooding issues on adjacent properties.~~

523
524 ~~(15)~~(14) Such other information that may be required to give a
525 complete understanding of the proposed plan.

526
527 (b) Vegetation survey. A vegetation survey shall be provided for all sites at the
528 same scale as the landscape plan. The vegetation survey shall be
529 accompanied by an aerial photograph which outlines the subject site without

530 obscuring its features. The vegetation survey must be signed and sealed by
531 a State of Florida Registered Landscape Architect and shall provide the
532 following information:

- 533
- 534 (1) The accurate location and graphic representation, in relation to
535 existing development, of all existing trees of a minimum two-inch
536 DBH or ten-foot height or, for native trees, of a minimum one and
537 one-half (1½) DBH or eight-foot height, including those which are
538 proposed to be removed, relocated or preserved on site in
539 accordance with the requirements of Section 18-A and Section 24-
540 60 of the Miami-Dade County Code.
- 541
- 542 (2) The boundaries of any native habitat, native plant community,
543 native plant species, as determined by the Department of
544 Regulatory and Economic Resources (DRER).
- 545
- 546 (3) A table showing the following information:
- 547
- 548 a. The common and scientific name of each tree, each of which
549 shall be numbered.
- 550
- 551 b. The diameter at breast height (DBH) of each tree, or if a
552 multiple trunk tree, the sum DBH for all trunks.
- 553
- 554 c. An estimate of the height, canopy cover, and physical
555 condition of each tree, and whether specimen tree(s) exist on
556 site.
- 557
- 558

559 **Sec. 52-25. - Minimum Landscape Requirements.** The following standards shall be
560 considered minimum requirements:

561

562 (a) Required Placement.

563

564 (1) On-site Trees.

- 565
- 566 a. Single-family home sites located in Zones One, Two and
567 Three are required to have a minimum of one (1) tree per
568 2,500 square feet of lot area or fraction thereof. A minimum
569 of two canopy trees or grouping of palms meeting the code
570 requirements must be located within the front setback area.
- 571
- 572 b. Community facilities/parks are required to meet the minimum
573 tree quantity requirements provided in the Code of Miami-
574 Dade County.
- 575

- 576 (2) Street Trees: Street trees or palms shall be required at one shade
577 tree/palm per twenty-five (25) linear feet of street frontage, excluding
578 driveways, thereof along all public or private street right-of-ways.
579
- 580 (3) Shrubs: Shrubs shall be provided at a ratio of twenty (20) per
581 required tree.
582
- 583 (4) Prohibited and Abused Trees shall not be counted toward fulfilling
584 the minimum tree requirements.
585
- 586 (b) All residential properties, whether developed or vacant shall have grass,
587 groundcover or landscaping material maintained in a living condition on
588 all portions of residential property where no structural improvements are
589 located.
590
- 591 (c) Property Owner's shall restore the grass groundcover and/or
592 landscaping on his property in a manner keeping with the residential
593 nature of the Town should such groundcover and/or landscaping be
594 destroyed or impaired.
595
- 596 (d) On-site Trees – Minimum Requirements: All trees, except street trees shall
597 be a minimum height of twelve (12) feet and in compliance with the Florida
598 Grades and Standards for Nursery Plants (FL. No. 1) at time of planting;
599 however thirty (30) percent of the minimum tree height requirement may be
600 met by native species with a minimum height of eight (8) feet and in
601 compliance with the Florida Grades and Standards for Nursery Plants (FL.
602 No. 1) at time of planting. When selecting tree species, preference shall be
603 given to those species listed as being medium or highly tolerant to wind as
604 listed in the Miami-Dade County Landscape Manual. Of the required trees
605 at least fifty (50) percent shall be native species; fifty (50) percent shall be
606 low maintenance and drought tolerant; and no more than forty (40) percent
607 shall be palms.
608
- 609 (e) Street Trees – Minimum Requirements: Street trees shall be of a species
610 typically grown in South Florida that normally matures to a height of at least
611 twenty (20) feet. Street trees shall have a clear trunk of over six (6) feet, an
612 overall height of ~~fifteen-fourteen (1514)~~ feet and ~~a minimum of three 3~~
613 ~~inches caliper at time of planting~~in compliance with the Florida Grades and
614 ~~Standards for Nursery Plants (Florida No. 1) at time of planting.~~ Palm trees
615 utilized as street trees shall have a minimum of twelve (12) feet grey wood
616 and six (6) inches caliper at time of planting. Taller palms may be required
617 in order to match existing nearby palms in right-of-ways as determined by
618 Town Manager or designee. Street trees shall be placed within the swale
619 area or shall be placed on private property where demonstrated to be
620 necessary due to right-of-way obstructions as determined by the Town. The
621 Town reserves the right to designate a common species for a roadway or

- 622 portion of certain roadway segments to achieve a uniformity of appearance.
623
- 624 (f) Shrubs: Shall be a minimum of (18) inches in height, full to base, at time of
625 planting and planted two feet on center maximum. No less than thirty (30)
626 percent of the shrubs shall be native species and no less than fifty (50)
627 percent shall be low maintenance and drought tolerant. Shrubs shall be
628 planted so not to touch building walls or walkways at the time of planting.
629
- 630 (g) Palms: On-site Palm trees shall have a minimum of eight feet grey
631 wood and shall constitute no more than 40 percent of the required
632 trees. All palms with the exception of Roystonea elata/regia, Phoenix
633 canariensis, Phoenix dactylifera, Phoenix sylvestris, Phoenix
634 reclinata, Bismarkia nobilis and other similar large palms as
635 determined by the Town Manager or designee, shall be counted at
636 three palms per one canopy tree and planted with staggered heights.
637 All proposed coconut palms shall be certified to be resistant to lethal
638 yellowing.
639
- 640 (h) Prohibited trees per Sec. 24-49(4)(f) of the Code of Miami-Dade
641 County and street trees shall not be counted towards meeting the on-
642 site tree requirement. Prohibited trees shall not be planted and shall be
643 removed from any site which is subject to the requirements of this chapter.
644
- 645 (i) Bamboo: Due to its spreading habit and leaf litter Bamboo shall only be
646 used as an accent plant and shall not be planted within 10 feet of any
647 property line, in the side yards, or in any way where it acts as a Hedge.
648
- 649 (j) Vines: Vines shall be full and a minimum of 30 inches in supported height
650 immediately after planting.
651
- 652 (k) Lawn: All lawn areas including, but not limited to swales, shall be St.
653 Augustine, Bermuda, Seashore Paspalum, Zoysia, or another species well
654 adapted to localized growing conditions in Miami-Dade County as approved
655 by the Town Manager or designee. Turf areas may not be plugged,
656 sprigged, hydromulched or seeded. Turf shall be solid sod laid on a smooth
657 topsoil base with tight joints at 100 percent coverage at time of planting and
658 cut to fit all areas. Turf shall not be treated as a fill-in material, but rather as
659 a major planned element of the landscape and shall be placed so that it can
660 be irrigated separately from planting beds. Turf shall not be allowed to
661 exceed six inches in height.
662
- 663 (l) Groundcover: May be used in lieu of grass. Groundcovers shall be full and
664 planted with a minimum of 75 percent coverage with 100 percent coverage
665 occurring within three months of installation. All groundcover shall be
666 planted so as not to touch building walls or walkways at the time of planting.
667

- 668 (m) Artificial turf. Artificial turf may be used as follows:
669
670 (1) On roof top terraces.
671
672 (2) Within Zones One, Two and Three, except that the quantity of
673 artificial turf to be incorporated into any street yard visible from the
674 roadway shall not exceed thirty (30) percent of the applicable yard
675 area.
676
677 (3) In all areas of installation, artificial turf which is installed consistent
678 with the quality, installation and location requirements of this section
679 shall be treated as pervious surface area.
680
681 (4) With the exception of those circumstances in which artificial turf is
682 installed consistent with subsection (l)(2) above, artificial turf shall
683 not be:
684
685 a. Installed within permanent drainage features (e.g., French
686 drains; swales);
687
688 b. On any swale area without approval of the Town Manager or
689 designee upon a finding that no alternate live plantings are
690 feasible.
691
692 (5) Minimum material standards. All artificial turf shall comply with the
693 following minimum standards:
694
695 a. Artificial turf shall consist of green lifelike individual blades of
696 grass that emulate natural turf in look and color and shall have
697 a minimum pile height of 1.5 inches and shall have a minimum
698 tufted weight of 56-80 ounces per square yard.
699
700 b. Where artificial turf is utilized for institutional recreational uses
701 (e.g., playgrounds, athletic fields), the artificial turf product
702 installed shall be designed for the intended use and meet the
703 appropriate additional standards.
704
705 c. Artificial turf installations shall have a minimum permeability
706 of 30 inches per hour per square yard.
707
708 d. All artificial turf shall have a minimum eight-ten year
709 manufacturer's warranty that protects against color fading and
710 a decrease in pile height.
711
712 e. Artificial turf shall be lead free.
713

- 714 f. Artificial turf shall be flame retardant.
- 715
- 716 g. Artificial turf shall be manufactured from polyethylene
- 717 monofilament, Dual Yarn System.
- 718
- 719 h. All materials must include test documentation which declares
- 720 that the artificial turf yarn and backing materials are
- 721 disposable under normal conditions, at any US landfill station
- 722 (Total Content Leach Protocol (TCLP) test).
- 723
- 724 i. The use of indoor or outdoor plastic or nylon carpeting as a
- 725 replacement for artificial turf or natural turf shall be prohibited.
- 726
- 727 j. Artificial turf shall not be treated as a fill in material, but rather
- 728 as a planned element of the landscape.
- 729
- 730 (6) Installation, maintenance and repair.
- 731
- 732 a. All artificial turf shall, at a minimum, be installed by a licensed
- 733 professional pursuant to the manufacturer's specifications.
- 734
- 735 b. All artificial turf installations shall be anchored to ensure that
- 736 the turf will withstand the effects of wind.
- 737
- 738 c. All seams shall be joined in a tight and secure manner, nailed
- 739 or glued, not sewn, and edges shall be trimmed to fit against
- 740 all regular and irregular edges to resemble a natural look.
- 741
- 742 d. If artificial turf is planned to be installed immediately adjacent
- 743 to a seawall, the artificial turf shall be pinned or staked behind
- 744 the seawall. No artificial turf or installation mechanism shall
- 745 be attached directly to or placed on a seawall or seawall cap.
- 746
- 747 e. All artificial turf shall be installed over a subgrade prepared to
- 748 provide positive drainage and an evenly graded mass of
- 749 compacted, porous crushed rock aggregate material. Base
- 750 comprising of sand only is not permitted.
- 751
- 752 f. Proper drainage shall be provided for all artificial turf
- 753 installations to prevent excess runoff or pooling of water.
- 754
- 755 g. An infill medium consisting of clean silica sand or other
- 756 approved mixture shall be brushed into the fibers to ensure
- 757 that the fibers remain in an upright position and to provide
- 758 ballast that will hold the turf in place and provide a cushioning

759 effect. Artificial turf shall be visually level, with the grain
760 pointing in a single direction.

761
762 h. An appropriate solid barrier device (e.g., concrete mow strip,
763 bender board, ~~aluminum edging~~ or other barrier with a
764 minimum 3/8" thickness) is required to ~~separate artificial turf~~
765 ~~from soil and live vegetation~~ prevent intrusion of living plant
766 material into the artificial turf areas.

767
768 i. Precautions for installation around existing trees shall be
769 monitored and may be restricted to ensure tree roots are not
770 damaged with the installation of the base material and that the
771 overall health of the tree will not be compromised.

772
773 j. All artificial turf shall be maintained in a green fadeless
774 condition and shall be maintained free of dirt, mud, stains,
775 weeds, debris, tears, holes, and impressions. Maintenance
776 shall include, but not be limited to cleaning, brushing, debris
777 removal; repairing of depressions and ruts to maintain a
778 visually-level surface; elimination of any odors, flat or matted
779 areas, weeds, and evasive roots; and all edges of the artificial
780 turf shall not be loose and must be maintained with
781 appropriate edging or stakes.

782
783 k. All artificial turf must be replaced if it falls into disrepair with
784 fading or holes or lose areas. Replacement and/or repairs
785 shall be done with like materials from the same manufacturer
786 and done so in a manner that results in a repair that blends in
787 with the existing artificial turf.

788
789 (7) Material Specifications and Plans

790
791 a. Material specifications and plans shall be provided to the
792 Town for review and approval prior to the installation of
793 synthetic-artificial turf.

794
795 b. The submittal shall include:

796
797 (a) A landscape plan showing the area of synthetic turf,
798 area of living plant material, and separation between
799 these areas;

800
801 (b) A dimensioned cross section of proposed materials
802 and installation details, including subgrade, drainage,
803 base or leveling layer, and infill;

804

- 805 (c) Edge material and detail for seams;
806
807 (d) Material description and specifications, including
808 manufacturer,
809
810 (e) installer (with contact information), and warranty
811 information.
812
813 (f) A sample of the turf proposed that meets these
814 standards.
815
816 (g) Product to be made ~~and~~, assembled ~~and warranted~~
817 in the United States of America.
818
819 (h) Consideration of the percentage of living plants versus
820 percentage of artificial turf shall be part of the review
821 process.
822
823 c. An owner or applicant shall obtain a building permit from the
824 Town prior to the installation of any artificial turf.
825
826 (n) Mulch: Mulches shall be applied and maintained in accordance with the
827 most recent edition of the Florida Yards and Neighborhoods Handbook
828 entitled “A Guide to Florida Friendly Landscaping” by the University of
829 Florida, Institute of Food and Agricultural Sciences (UF/IFAS) and available
830 online at <http://www.floridayards.org/landscape/FYN-Handbook.pdf>.
831 Cypress mulch shall not be used because its harvest degrades cypress
832 wetlands.
833
834 (o) Root barriers: The Town shall require root barriers for trees planted
835 within the right-of-way or less than 15 feet from a road right-of-way,
836 sidewalk, utility or seawall. The intent of this requirement is to protect
837 infrastructure, including sidewalks from trees known to create root
838 problems.
839
840 (p) The use of wind tolerant trees and palms are encouraged due to the
841 high risk of hurricanes in South Florida. Every effort should be utilized
842 to reduce the risk of damage and liability by utilizing more wind
843 tolerant landscaping.
844
845 (q) Landscape materials shall be selected based on suitability to the
846 nearby oceanfront location and generally salt tolerant. Landscape
847 materials should be planted at locations that take into account future
848 mature growth of the selected materials so as not to interfere with
849 utilities, sidewalks and roads (roots), structures and adjacent
850 neighboring properties. Because of the existing coastal soil

851 composition, the soils where the landscape materials are to be
852 planted shall be modified as necessary to allow all plantings to
853 survive.

854
855 (r) The use of landscaping that is very poisonous, has a major pest or
856 insect problem, thorny spines, drops messy fruit or has an aggressive
857 root system is discourage and will be reviewed on a case by case.

858
859 (s) The use of plant materials that reinforce the ambience of the Town's
860 distinctive, lush, subtropical character is encouraged.

861
862 (t) All proposed landscape east of the Coastal Construction Control Line
863 (CCCL) line must be approved by the State of Florida Department of
864 Environmental Protection.

865
866 (u) All landscaping including shrubs and groundcover shall be
867 guaranteed for one year after final landscape inspection.

868
869 (v) No certificate of occupancy or certificate of completion shall be issued
870 until such time as all of the required landscaping is installed and
871 approved by the Town. However, nothing herein shall prevent the
872 issuance of a temporary certificate of occupancy so long as at least
873 a majority of the landscape including the sod portion of the
874 landscaping has been installed as approved by the Town Manager
875 or designee.

876
877 (w) All landscape substitutions including shrubs and groundcover shall
878 require Town Manager or designee approval prior to installation.

879
880 **Sec. 52-30. - Plant Quality.**

881
882 (a) Plants installed pursuant to this section shall **meet-conform to**, or
883 exceed, the minimum standards for Florida Number One as provided
884 in the most current edition of Florida "Grades and Standards for
885 Nursery Plants," prepared by the State of Florida Department of
886 Agriculture and Consumer Services. Additional information not
887 addressed in the Florida Grades and Standards for Nursery Plants
888 may be obtained from ANSI Standards Z60.1.

889
890 (b) All plants shall be clean and free of noxious pests and/or disease.

891
892 (c) Sod shall be green, healthy, clean and visibly free of weeds, noxious
893 pests and diseases.

894
895 (d) The Town Manager or designee shall establish and the Town shall
896 maintain a Preferred Species List, including native and drought

897 tolerant species. This list shall be periodically revised, as needed. At
898 least (50) percent of the required trees and plants shall be selected
899 from the Preferred Species List.

900
901 **Sec. 52-35.- Hedges.**

902
903 (a) Height restrictions.

904
905 (1) In Zone One no hedge between estates or lots shall be constructed
906 or altered to exceed in height the following: Parallel to the side
907 property line in between estates or lots adjacent to the main structure
908 Hedges shall not be restricted in height; within 60 feet of the west
909 property line, Hedges shall be restricted to a height of six feet; thence
910 easterly along patios and main house structure to height of six feet;
911 thence easterly for 30 feet, a height of four feet; thence easterly to
912 the ocean front, a height of two feet. No Hedge higher than two feet
913 may be erected on the east (Ocean Front) property line. No Hedge
914 higher than six feet above the crown of the road may be erected on
915 the (Ocean Boulevard) property line.

916
917 (2) In Zone Two, Hedges parallel to the side property line within the front
918 yard setback shall not exceed twenty feet. Parallel to the side
919 property line in between estates or lots adjacent to the main structure
920 and along rear property line, hedges shall not be restricted in height.
921 An appropriate hedge material listed in the Town's Preferred Species
922 List shall be approved by the Town Manager or designee.

923
924 (3) In Zone Three, Hedges parallel to the side property line within the
925 front yard setback shall not exceed twenty (20) feet. Parallel to the
926 side property line in between estates or lots adjacent to the main
927 structure or rear patio, hedges shall not be restricted in height .
928 Hedges parallel to the side property from the rear of the patio to the
929 rear of the lot and along the rear property line shall not exceed a
930 height of six (6) feet. An appropriate hedge material listed in the
931 Town's Preferred Species List shall be approved by the Town
932 Manager or designee.

933
934 (4) No Hedges may be erected in such manner, planted and permitted
935 to grow so as to block the view of a driver of a vehicle or bicycle
936 operating on any road within the Town as provided by section 52-
937 45(e) "Sight obstruction at intersections".

938
939 (5) Landscaping including hedges or vines may be utilized to fully screen
940 the full height of fences erected along right-of-way.

941 (6) No berm shall be permitted in the street right-of-way.

- 942 (7) Throughout Zones One, Two and Three, live Hedges may be grown
943 in lieu of masonry built walls or fences, subject to the same height
944 restrictions applicable to a fence or wall in the zone as provided in
945 chapter 66.
- 946 (b) Any Hedge which has a height restriction, as permitted in this section, shall
947 be sheared, shaped and manicured uniformly and consistently.
- 948
- 949 (c) All Hedges shall be maintained in accordance with the landscaping plan as
950 approved by the Town.

951

952 **Sec. 52-40. - Landscape Maintenance**

953

- 954 (a) Maintenance. The owner shall be responsible for the continued
955 maintenance and upkeep of all required landscaping so as to present a
956 healthy plant in a condition representative of the species. All landscapes
957 shall be kept free of refuse, debris, disease, pests, and weeds and shall be
958 fertilized and irrigated to maintain plants in a healthy condition. Special
959 maintenance requirements necessary to preserve the professional's design
960 intent shall be noted on the landscape plan.
- 961
- 962 (b) Replacement of trees. If any specimen or required tree dies or is
963 removed, such tree or plant shall be replaced with another tree
964 consistent with the requirements of the Chapters 18 and 24 of the Miami-
965 Dade County Code. All stumps shall be removed below the surface of
966 the ground.
- 967
- 968 (c) Trees may not be painted and shall be maintained in their natural state
969 as to color.
- 970
- 971 (d) Removal of damaged or nuisance trees and plants. Ongoing maintenance
972 to prohibit the establishment of prohibited exotic species is required.
973 Any plant materials of whatsoever type or kind required by these
974 regulations shall be replaced within 30 days of their demise and/or
975 removal.
- 976
- 977 (e) Disposal of landscape materials. Landscape materials, including but not
978 limited to tree branches, palm fronds, dead or diseased plant materials
979 and grass clippings shall be disposed of properly. Grass clippings shall
980 be collected and removed from all sites and shall not be placed on public
981 right-of-way or allowed to enter the stormwater system. In no instance
982 shall grass clippings be accumulated and/or swept into stormwater
983 catch basins.
- 984
- 985 (f) Irrigation of landscape materials. Landscape materials shall be properly
986 watered to ensure survival. Irrigation systems shall be maintained to
987 eliminate water loss due to damaged, missing or improperly operating

988 sprinkler heads, emitters, pipes and other portions of the irrigation
989 system.

990
991 (g) Fertilizers and pesticides. Landscape materials shall be properly
992 fertilized and, if necessary, pesticides applied to ensure survival. Such
993 products shall be used in accordance with Best Management Practices
994 and the manufacturer's recommended specifications for application,
995 storage and disposal. In no instance shall such products be disposed
996 of through the stormwater system and efforts shall be made to limit
997 runoff into the Town's stormwater system. Alternatives to the use of
998 pesticides are encouraged.

999
1000 (h) Fertilizer Management. Fertilizer application shall be in accordance with
1001 the following:

1002
1003 (1) Fertilizer applied to turf shall be applied in accordance with
1004 requirements and directions provided by Rule 5E-1.003(2), Florida
1005 Administrative Code, Labeling Requirements for Urban Turf
1006 Fertilizers.

1007 (2) Phosphorous fertilizer shall not be applied to turf or landscape plants
1008 except as provided in (a) above for turf, or in UF/IFAS
1009 recommendations for landscape plants, vegetable gardens, and fruit
1010 trees and shrubs, unless a soil or tissue deficiency has been verified
1011 by an approved test.

1012 (3) The provisions of (1) and (2) above shall apply to all fertilizer
1013 applications except for fertilizer applications for parks and athletic
1014 fields provided that the provisions of Rule 5E-1.003(2)(d), Florida
1015 Administrative Code, as amended, are followed and for newly
1016 established Turf and/or Landscape Plants for the first 60-day period
1017 after installation.

1018
1019 (i) Lawn and groundcover areas. Except in periods of officially declared
1020 drought, lawn areas shall be maintained by adequate irrigation so as to
1021 remain healthy and present a good appearance. Adequate pest control
1022 shall be applied to prevent the spread of cinch bugs or other grass-
1023 damaging pests. Lawn and groundcover areas shall be maintained so
1024 as to prevent excessive growth and unsightly conditions, ensuring that
1025 edges are neatly trimmed, and that grass runners or weeds will not grow
1026 over adjacent drives, curbs, or public sidewalks.

1027
1028 (j) Hedges. Hedges shall be maintained so as to have a solid appearance,
1029 with no gaps or spaces. Grass or other growths shall not be allowed to
1030 grow up into the hedge. All hedges shall be kept neatly trimmed and
1031 maintained at a height as provided for in Section 52-35 "Hedges".

1032
1033 (k) Prohibited species. On properties where any construction permit is

1034 issued, prohibited species must be removed.

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1076

(l) Town rights-of-way; utility easements. Trees, shrubs or hardscape located within the Town’s right-of-way or utility easements, regardless of when such items were installed or who they were installed or purchased by, shall be removed at the expense of the property owner upon request or necessity of the Town.

(m) Sight distance. Trees, shrubs, hedges, and bushes shall not be maintained or allowed to exist in such a way that the plant material interferes with the sight distance triangle relative to vehicles, or interferes with the passage of any vehicles along the Town’s roadways as provided for in Section 52-45(e) “Sign obstruction at intersections”.

(n) Pruning. Trees shall be pruned by property owners to promote healthy, uniform, natural growth of the vegetation. Pruning shall be performed in accordance with the current edition of pruning standards published by the American National Standard Institute (ANSI) A300 Pruning Standards and ANZI Z133.1 Safety Standards. Trees shall not be hatracked or severely pruned in a manner that would damage the vegetation and permanently restrict the growth or height. Severely pruned trees are considered damaged and a public nuisance, which shall be replaced with trees equal to the number and height of damaged trees. A plant’s growth habit shall be considered to determine the extent of pruning necessary to maintain healthy growth.

(o) Canopy and root pruning. When activities affect public or private trees so that more than 50 percent of the area within the dripline is disturbed, or when pruning must be performed on the crown of a public or private tree, the following arboriculture techniques are required:

(1) When the area within the dripline will be disturbed, the affected roots must be severed by clean pruning cuts where the activity impacts the roots. Roots may be pruned by utilizing trenching equipment that is specifically designed for this purpose or by hand digging a trench and pruning roots with a chain saw, pruning saw or other equipment designed for tree pruning. Roots within the dripline shall be pruned to a depth of 12 inches below existing grade or to the depth of the disturbance if less than 12 inches from the existing grade. When underground utilities are to be installed through the dripline, root pruning requirements may be waived by the Town Manager or designee if the lines are installed via tunneling or directional boring.

1077 (2) It shall be a violation of this section to perform the techniques of
1078 topping, hatracking or other pruning techniques that remove the
1079 vertical leader stems or other pruning which results in an
1080 unnecessary reduction of shade of public or private trees.

1081
1082 (p) Drainage and Mosquito Control. The existence of depressions or
1083 excavations or any other condition on such premises wherein water
1084 may accumulate and stand in such manner or fashion as to make
1085 possible the propagation of mosquitoes therein, is prohibited.

1086
1087 (q) Vacant lot right-of-way landscaping. Throughout Zones One, Two,
1088 and Three, the yard and any swale area along a right-of-way frontage
1089 of a vacant lot, shall be planted with accent plant material and/or sod
1090 and watered and maintained so as to prevent browning, disease,
1091 weeds, overgrowth or dead spots.

1092
1093 (r) Any trees and/or palms that are diseased (including dead palms with lethal
1094 yellowing) or trees and/or palms causing a possible safety hazard as
1095 determined by the Town are considered to be a public nuisance. In
1096 accordance with Section 11D – Diseased Palm Trees, of the code of Miami-
1097 Dade County, any property owners of any lot or parcel of land in the Town
1098 shall promptly remove any such tree, at property owner’s expense, after
1099 being notified by the Town.

1100
1101 The Town shall have the right to impose such additional maintenance
1102 requirements that are consistent with the standards of the community.

1103
1104 **Sec. 52-45. - Swale Regulations.**

1105
1106 (a) Responsibility for landscaping. The property Owner, tenant and/or
1107 resident living in the property or his agent shall be jointly and severally
1108 responsible for the maintenance of all landscaping in Swale Areas. The
1109 landscaping shall be maintained in good plant health so as to ensure
1110 safety, functional use and a healthy plant appearance. The landscaping
1111 shall be pruned and free of dead limbs and branches. All dead growth
1112 shall be removed immediately and replaced. No swale landscaping shall
1113 be maintained in such manner as to constitute a nuisance.

1114
1115 (b) Plants, sod.

1116
1117 (1) Plants to be placed in the Swale Area shall be approved by the
1118 Building Regulation Advisory Board and shall conform to the
1119 State agricultural standards. Grass sod shall be clean and
1120 reasonably free of weeds and noxious pests or diseases. Trees

1121 or shrubs shall be of a species whose roots are known not to
1122 cause damage to public roadways or other public works and shall
1123 be planted in the swale only after approval by the Building
1124 Regulation Advisory Board. A permit is required for the planting
1125 of any tree in the swale area.

1126
1127 (2) Sod of a species normally grown as a permanent lawn grass
1128 consistent with section 52-25(j) shall be used in swales or other
1129 areas subject to erosion and shall be planted so as to extend to
1130 the abutting Street pavement. All sodded areas between the
1131 Street pavement and the property line shall be maintained in a
1132 clean and healthy growing condition, free of trash, debris, refuse,
1133 litter, ruts and potholes. No swale shall have grass exceeding six
1134 inches in height.

1135
1136 (c) Prohibited materials. The following materials shall not be permitted in
1137 any swale: Lawn markers. All lawn markers utilized in front of residential
1138 lots abutting any Street or other public way shall not exceed nine inches
1139 in diameter, nor ten pounds, and shall be hemispheric shape. Rocks
1140 may not be used as a substitute for lawn markers. Each lot shall be
1141 limited to no more than four lawn markers per 50 feet of Street Frontage.

- 1142 (1) Lawn markers.
1143 (2) Boulders.
1144 (3) Poles, chains, stakes, berms, retaining walls, or other devices or
1145 materials intended to create physical access barriers.
1146 (4) Any other obstructions which may be hazardous to the welfare of the
1147 general public.

1148
1149 ~~(c)~~(d) Walls, fences generally. No wall or fence of whatever substance, or
1150 series of shrubs, bushes, Hedges or series of other growing matter that
1151 is capable of exceeding six inches in height after time of planting, may
1152 be placed or maintained in such a manner as to constitute a wall or a
1153 fence, and no other structure or plant shall be constructed, maintained
1154 or otherwise allowed in the Swale Area adjacent to the front or side
1155 Street, or in the public right-of-way or easement area unless approved
1156 by the Building Regulation Advisory Board.

1157
1158 ~~(d)~~(e) Sight obstruction at intersections. The safe sight distance triangle at
1159 intersections formed by two or more public roads shall be formed by lines
1160 connecting points of 25 feet from the edge of the paved roads. The safe
1161 sight distance at intersections of driveways and public roads shall be formed
1162 by lines connecting points of 10 feet from the edge of the driveway and edge
1163 of public road. The safe sight distance triangle at the intersection of
1164 driveways and public sidewalks shall be formed by lines connecting points
1165 of 10 feet from the edge of the driveway and edge of public sidewalk. The
1166 safe sight distance triangle area shall not contain obstructions to cross-

1167 visibility at a height of two and one-half (2.5) feet and eight (8) feet above
1168 established grade; potential obstructions include, but are not limited to,
1169 structures, grass, groundcovers, shrubs, vines, hedges, trees, rocks, walls
1170 and fences. Property owners shall be responsible for maintaining all
1171 landscaping within the cross-visibility triangle. All sight distance triangles
1172 shall be indicated on the site plan and landscape plan. In addition to
1173 requirements above, safe sight distance triangles for driveways intersecting
1174 State Road A1A shall be provided in accordance with the standards of the
1175 Florida Department of Transportation.

1176
1177 (f) Maintenance of swale areas. All lot Owners within the Town shall:

1178
1179 (1) maintain all trees, shrubs or hardscape located in the Swale Areas
1180 abutting their lots regardless of when such items were installed or
1181 who they were installed or purchased by;

1182
1183 (2) mow the lawn in the Swale Area at least once every 15 days and
1184 maintain grass or lawn at a height of not more than six inches or
1185 more from the ground; and

1186
1187 (3) not permit nuisances to occur within such Swale Areas.

1188 (g) Compliance of nonconforming swales. All swales must be brought into full
1189 compliance with this chapter at the time the property is required to comply
1190 with this chapter under section 52.15. In addition, the property owner
1191 responsible for any swale which is not in compliance with this chapter, shall:

1192 (1) Prior to or upon the sale or transfer of the property to a new property
1193 owner, by any mechanism, remove any non-compliant features and
1194 bring the swale area into full compliance with this chapter;

1195 (2) Remove all prohibited materials identified in section 52-45(c) above
1196 no later than January 31, 2021;

1197 (3) Ensure all changes to swale landscaping increase, to the greatest
1198 extent reasonable, the conformity of the swale with the “typical swale
1199 design” provided in XXX, and this chapter.

1200
1201 **Sec. 52-50. - Irrigation Requirements.** All properties required to submit a landscape
1202 plan shall also provide an in-ground irrigation plan. Required irrigation plans shall:

1203
1204 (a) Be drawn at the same scale as the landscape plan.

1205
1206 (b) Delineate the areas that are to be landscaped.

1207
1208 (c) Delineate existing and proposed structures, sidewalks, driveways, the
1209 location of utilities and easements, and similar features.

- 1210
- 1211 (d) Include water source, design operating pressure and flow rate per zone,
- 1212 total volume required for typical depths of application, and application rate.
- 1213
- 1214 (e) Include locations of pipes, controllers, valves, sprinklers, backflow
- 1215 prevention devices and electrical supply.
- 1216
- 1217 (f) Be designed, operated and maintained to meet the needs of all of the
- 1218 plants in the landscape.
- 1219

1220 (g) Be designed to minimize the application of water onto sidewalks,

1221 driveways, streets, and other impervious areas.

1222

1223 (h) Be designed and installed in accordance with the Florida Irrigation

1224 Society's Standards and Specifications for Turf and Landscape Irrigation

1225 Systems (as amended).

1226

1227 (i) Conserve water by allowing differential operation schedules based on

1228 hydrozones.

1229

1230 (j) Use low trajectory spray heads, and/or low volume water distributing or

1231 application devices.

1232

1233 (k) Provide rain switches or other devices with automatic controls.

1234

1235 Sec. 52.55. – Drainage. Properties all must provide adequate drainage facilities and

1236 drainage fields and all well and drainage locations must be shown on a site plan in

1237 accordance with all applicable regulations. At a minimum:

1238

1239 (a) All stormwater runoff shall be retained on-site.

1240

1241 (b) All properties shall be graded and maintained so as to prevent ponding

1242 or any collection of standing or stagnant water.

1243

1244 (c) Depressions, excavations or any other condition wherein water may

1245 accumulate and stand in such manner or fashion as to make possible

1246 the propagation of mosquitoes therein are prohibited.

1247 **Sec. 52-60. - Tree Removal Permit Required.** It is the intent and desire of the Town

1248 to preserve and enhance the tree canopy in the Town for aesthetic and environmental

1249 reasons. No Person shall cut down, destroy, remove, relocate, destructively damage or

1250 cause to be cut down, destroyed, removed, relocated or destructively damage any tree

1251 without first obtaining a permit from the Town as required by chapter 24 of the Miami-

1252 Dade County Code of Ordinances. Tree Removal Permits shall be processed by the

1253 Town in the same manner, pursuant to the same requirements and guidelines as provided

1254 by Section 24.49 of the Miami-Dade County Code of Ordinances. All tree removal permit
1255 exemptions provided therein shall also apply. The issuance of a tree removal permit
1256 from the Town shall require proof that a permit has been obtained from the Miami-
1257 Dade County Department of Regulatory & Economic Resources, if such permit is
1258 required by Division 2 "Tree Preservation and Protection" of Chapter 24 of the Miami-
1259 Dade County Code of Ordinances. No trees shall be removed from any public land
1260 including, but not limited to rights-of-way and swale areas, without the approval of the
1261 Town Manager or designee. Under no circumstances may any Person remove a tree
1262 where the resulting number of trees (excluding any prohibited trees) on the property
1263 is less than the number of trees required by this Code.

1264
1265 **Sec. 52-65. - Preservation of Pervious Lot Area.** All lots shall maintain compliance
1266 with the pervious surface requirements of Section 58-33.

1267
1268 **Sec. 52-70. - Tree Protection Requirements During Construction.** During site
1269 development, protection requirements for trees designated for preservation or relocation
1270 shall include, but not be limited to, the following:

1271
1272 (a) Protective barriers shall be placed around each tree, cluster of trees, or the
1273 edge of the preservation area no less than six (610) feet (in radius) from the
1274 trunk of any protected tree, cluster of trees, or preservation area unless a
1275 certified arborist otherwise determines in writing that a smaller or larger
1276 protected area is acceptable or necessary for each tree, or an alternate tree
1277 protection method is approved. Protective barriers shall be a minimum of
1278 four (4) feet above ground level and shall be constructed of wood, plastic or
1279 metal, and shall remain in place until development is completed and the
1280 Town has authorized their removal. Protective barriers shall be in place
1281 prior to the start of any construction. Barriers may be removed temporarily
1282 to accommodate construction needs, provided that the manner and purpose
1283 for such temporary removal will not harm the tree.

1284
1285 (b) Understory plants within protective barriers shall be protected.

1286
1287 (c) No excess oil, fill, equipment, building materials or building debris shall be
1288 placed within the areas surrounded by protective barriers, nor shall there be
1289 disposal of any waste material such as paints, oils, solvents, asphalt,
1290 concrete, mortar or any other material harmful to trees or understory plants
1291 within the areas surrounded by protective barriers.

1292 (d) Trees shall not be braced in such a fashion as to scar, penetrate, perforate
1293 or otherwise inflict damage to the tree.

1294
1295 (e) No attachments other than those of a protective or non-damaging nature
1296 shall be attached to any tree except those trees approved to be removed.

1297

- 1298 (f) Natural grade shall be maintained within protective barriers. In the event
1299 that the natural grade of the site is changed as a result of site development
1300 such that the safety of the tree may be endangered, tree wells or retaining
1301 walls are required.
1302
- 1303 (g) Underground utility lines shall be placed outside the areas surrounded by
1304 protective barriers. If said placement is not possible, disturbance shall be
1305 minimized by using techniques such as tunneling.
1306
- 1307 (h) Fences and walls shall be constructed to avoid disturbance to any protected
1308 tree. Post holes and trenches located close to trees shall be dug by hand
1309 and adjusted as necessary, using techniques such as discontinuous
1310 footings, to avoid damage to major roots.
1311
- 1312 (i) The trees shall be properly irrigated throughout the building process.
1313

1314 **Sec. 52-75. – Nonconforming Landscaping Requirements.** The Town recognizes
1315 that many of the properties in the Town were constructed prior to the enactment of either
1316 the County or Town supplemental code requirements.
1317

- 1318 (a) Nonconforming designation. Property owners whose properties do not
1319 meet the minimum requirements of this code shall be designated as
1320 Nonconforming Landscape Properties.
1321
- 1322 (b) Nonconforming Landscape Properties must comply with all requirements of
1323 this chapter except:
1324
 - 1325 (1) the required installation of new plant materials pursuant to section
1326 52-25(a);
 - 1327
 - 1328 (2) the mandatory installation of an irrigation system under section 52-
1329 50 “Irrigation Requirements”; and
1330
 - 1331 (3) the mandatory installation of an on-site drainage system, provided
1332 that where improvements are made, all efforts shall be made to
1333 ensure that proper drainage mechanisms, in particular, grading,
1334 planting and maintenance tools, are implemented to the greatest
1335 extent feasible.
1336
- 1337 (c) The forgoing provisions notwithstanding, all Nonconforming Landscape
1338 Properties are encouraged to meet the most recent minimum standards, if
1339 possible.
1340
- 1341 (d) Amortization. All Nonconforming Landscape Properties must achieve the
1342 following minimum standards no later than XXXXX, XX, 2017 [Date 6
1343 months from adoption of this Ordinance].

1344
1345 (1) — All dead landscaping materials shall be removed and replaced with
1346 conforming materials.

1347
1348 (2) — Any trees identified as Prohibited Trees per Sec. 24-49(4)(f) of
1349 the Code of Miami-Dade County shall be removed.

1350
1351 (3) — Any Prohibited Plant Species, in addition to trees, shall be removed
1352 and replaced with conforming materials.

1353
1354 (4) — All yard areas shall be planted with materials consistent with this
1355 chapter or, at a minimum planted with sod or groundcover meeting
1356 the requirements of section 52-25(h) or 52-25(i).

1357
1358 (5) — All Swale areas shall meet the requirements of section 52-45 “Swale
1359 Regulations”.

1360
1361 (d)(a) Any new landscaping installed on a Nonconforming Landscape Property
1362 must:

1363
1364 (1) meet the Minimum Landscape Requirements of subsections 52-
1365 25(b)-(v) as applicable;

1366
1367 (2) meet the Plant Quality standards of section 52-30;

1368
1369 (3) be installed pursuant to all applicable location and installation
1370 requirements of this chapter; and

1371
1372 (4) be approved by the Town Manager or designee.

1373
1374 (e)(b) Any new irrigation system must be approved pursuant to and consistent
1375 with the requirements of section 52-50 “Irrigation Requirements.”

1376
1377 (f)(c) Once a Nonconforming Landscape Property has been improved, it shall
1378 thereafter be maintained at the new level of landscaping or consistent with
1379 any applicable landscape plan, pursuant to the maintenance requirements
1380 of this chapter.

1381
1382 **Sec. 52-80. - Violations, Abatement.**

1383 Failure to maintain groundcover and/or landscaping as required by this chapter or
1384 applicable Miami-Dade County Code or according to the approved landscape plan is
1385 declared to be a public nuisance. The Town may implement abatement or other
1386 actions permitted by law against any Property Owner who refuses to maintain his
1387 property in accordance with applicable ordinances or the approved landscape plan
1388 after notice of violation. Any notice of violation may be appealed to the Town Council.

1389 (a) Prohibitions. It shall be unlawful for any owner of any vacant lot, parcel
1390 or tract of land within the Town to commit tree abuse, permit weeds,
1391 grass or undergrowth to grow thereon or on any adjacent swale to a
1392 height of six inches or more from the ground; or to permit rubbish, trash,
1393 debris, dead trees or other unsightly or unsanitary matter to remain
1394 thereon; or to permit the existence of depressions or excavations or any
1395 other condition on such premises wherein water may accumulate and
1396 stand in such manner or fashion as to make possible the propagation of
1397 mosquitoes therein.

1398 (b) Failure to Comply; form of notice to property Owner or Owners.

1399 (1) Upon the failure of the owner of any vacant lot, parcel or tract of
1400 land within the Town keep such premises free of weeds, grass or
1401 undergrowth of a height of six inches or more from the ground or
1402 of rubbish, trash, debris, dead trees or other unsightly or
1403 unsanitary matter, or to keep premises free of excavations,
1404 depressions, or nuisances as provided in this chapter, it shall be
1405 the duty of the Town Manager or designee to give notice, as
1406 provided herein, requesting the owner or owners of such property
1407 to remedy the condition within 15 days after service of such
1408 notice.

1409 (2) Such notice shall be given by registered or certified mail,
1410 addressed to the Owner of the property described, to the home of
1411 record, as recorded in the current county tax rolls, or may be
1412 posted upon the premises by affixing in any conspicuous place
1413 on any structure located on such premises or by leaving such
1414 notice of violation with any Person over the age of 15 years having
1415 charge of the premises. and shall be deemed complete and
1416 sufficient notice when so addressed and deposited in the United
1417 States mail with proper postage prepaid, posted or personally
1418 delivered. The notice shall be in substantially the following form:

1419 Date: _____

1420 Name of owner: _____

1421 Address of owner: _____

1422 Our property records indicate you to be the owner(s) of the
1423 following described property in the Town of Golden Beach:

1424 An inspection of this property discloses, and the Town Manager
1425 has found and determined, it to be in such condition as to be in
1426 violation of chapter 52, section (cite individual section violated) of
1427 the Code of the Town of Golden Beach, because (state why
1428 property is in violation, i.e., height of weeds, grass or
1429 undergrowth, debris, dead trees, specific nuisance etc.).

1430 Section 52-80(a) of the Code of the Town of Golden Beach
1431 provides that it shall be unlawful for you to permit this condition to
1432 continue, and you are hereby notified that unless this condition is
1433 remedied so as to make it nonviolative of section 52-80(a) of the
1434 Code of the Town of Golden Beach, within 15 days from the date
1435 hereof, the Town of Golden Beach will proceed to remedy such
1436 condition, and the cost of such work will be imposed as a lien
1437 upon this property. The estimated cost to remedy this condition
1438 would be _____, plus \$50.00 for administrative charges,
1439 for a total cost of _____.

1440 This notice will be the only notice given to you in a period of one
1441 year from this date. Any other violations occurring under this
1442 section shall be remedied by the Town without further notice.

1443 Very truly yours,

1444 _____ Town Manager

1445 (c) Cost of Clearing as Lien on Property—Collection, foreclosure and sale.
1446 Upon failure of the owner of property to remedy the conditions existing
1447 in violation of the requirements of this section within 15 days after
1448 service of notice to do so, then the Town Manager or designee shall
1449 proceed to have such condition remedied by contract or direct labor, or
1450 both, and the cost thereof shall be and become a lien against such
1451 property 30 days after notice of completion of work by the Town, to the
1452 same extent and character as the lien for special assessments, and with
1453 the same penalties and with the same rights of collections, foreclosure,
1454 sale and forfeiture as obtained for special assessment liens. The cost
1455 chargeable to the Owner shall not exceed the amount of cost as set forth
1456 in the notice served to the property Owner or Owners required herein
1457 under section 52-80.

1458 (d) Same—Due date, delinquency interest rates. The lien for the cost of
1459 clearing lots, parcels or tracts of land or of removing or remedying the
1460 conditions thereof found to be in violation of this section, plus any other
1461 administrative charges, shall become due and payable 30 days after
1462 publication of the notice of completion of such work, except in cases
1463 wherein a petition is filed within such period as provided for in section
1464 52-80(h) and where, upon consideration of such petition, the Council
1465 has changed and corrected the amount of lien as filed in the Office of
1466 the Clerk of the Circuit Court of the County; in such cases the lien shall
1467 become due and payable 30 days after such Council action. After the
1468 respective due dates above fixed, all unpaid liens shall become
1469 delinquent and shall thereafter bear interest at the rate of six percent per
1470 annum. This lien may be enforced and satisfied by the Town pursuant
1471 to F.S. ch. 173, as amended from time to time, or by any other method
1472 permitted by law. The lien provided for in this section shall not be

1473 deemed to be in lieu of any other legal remedies for recovery of such
1474 fee, late charges, and accrued interest available to the Town.

1475 (e) Same—Installment payments; waiver of irregularities, interest rates.

1476 (1) The lien for the cost of clearing any lot, parcel or tract of land or
1477 of removing or remedying the condition thereof found to be
1478 violative of this section, if the same is in excess of \$100.00, may
1479 be paid in two equal installments due, respectively, on the first
1480 day of November following the due date prescribed above, and
1481 on the first day of November of the year following; provided, that
1482 the Owner or Owners of such lot, parcel or tract of land shall file
1483 with the Town Manager, on or before the due date, a written
1484 undertaking waiving any and all irregularities or illegality in
1485 connection with the imposing of such lien.

1486 (2) Such deferred installments shall bear interest at the rate of ten
1487 percent per annum from and after the due date of the lien, but any
1488 such lien or installment thereof may be paid at any time when
1489 accompanied by the payment of interest due upon the entire
1490 unpaid balance of the lien to date of payment.

1491 (3) Failure to pay any such installment when the same shall become
1492 due shall, without notice or other proceeding, cause the entire
1493 unpaid balance of the lien to become due and payable forthwith.

1494 (f) Lien books, information. Upon notification that the proper notice has
1495 been served due to the determination that certain described lots, tracts
1496 or parcels of land are in such condition as to be in violation of the
1497 requirements of this chapter, the Town Manager or designee shall cause
1498 to be filed in the Office of the Clerk of the Circuit Court of the County,
1499 the legal description of the land involved, the total estimated cost and
1500 date of the notice.

1501 (g) Statement of costs, filing; publication of work, cost and lien. As soon as
1502 practicable after completion of the work, if such work be done by the
1503 Town, the Town Manager or designee shall execute, or cause to be
1504 executed, and file with the Town Clerk, a statement of costs and
1505 completion of work, which shall certify the completion thereof. The Town
1506 Clerk shall thereafter cause to be published in a newspaper of general
1507 circulation in the County or Town, a notice giving the description of the
1508 property, the amount of the cost of the work, the date of completion of
1509 the work and the fact that the cost thereof is a lien against the property.

1510 (h) Interested persons may petition Council to dispute assessed costs,
1511 Council inquiry.

1512 (1) Any person owning all or any interest in property which has been
1513 found to be in violation of this section, and upon which remedial

1514 work by the Town has been done, shall have the right, at any time
1515 within 30 days after publication of the notice of completion of work
1516 under this section, to present to the Town Clerk a sworn petition
1517 stating his interest in the property and alleging that in the opinion
1518 of the petitioner the cost of the work as entered in the sanitary lien
1519 book exceeds the actual cost thereof or is otherwise erroneous.

1520 (2) Such petition shall be presented to the Council for its
1521 consideration at its next regular meeting, provided at least ten
1522 days have intervened between the time of the filing of such
1523 petition and the date of such meeting, at which time and place the
1524 Council shall consider the same and make due inquiry into the
1525 questions involved. If it shall appear to the satisfaction of the
1526 Council that the cost as entered is erroneous, then the Council
1527 shall by resolution so declare and shall have the entry thereof in
1528 the County records corrected, and shall fix and confirm the
1529 amount to be charged against such lot, parcel or tract of land as
1530 it shall find just and proper, and the amount so fixed shall stand
1531 as the amount of the lien, effective as of the date of completion of
1532 the work aforesaid, or the Council may confirm the lien in the
1533 amount as originally entered in the public records.

1534 (l) The remedies provided for in this section shall not be deemed to be in
1535 lieu of any other legal remedies for violation, or for recovery of monies
1536 due, available to the Town.

1537
1538 **Section 4.** That Chapter 58 “Development Standards” of the Town of Golden

1539 Beach Land Development Code is amended to read as follows:

1540 **Chapter 58 - DEVELOPMENT STANDARDS**

1541

1542 **ARTICLE I. - IN GENERAL**

1543

1544 **Sec. 58-1. - Definitions.**

1545

1546 The following words, terms and phrases, when used in this chapter, shall have the
1547 meanings ascribed to them in this section, except where the context clearly indicates a
1548 different meaning:

1549

1550 * * *

1551 Pervious Area means that area maintained in its natural condition, or covered by
1552 a material, is planned in the adopted 2010 Highway water directly into the ground. a
1553 permeable area of land within the Building Lot which permits the drainage and percolation
1554 of water.

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* * *

~~Sec. 58-33. – Landscaping.~~

~~In addition to the landscaping requirements of sections 66-116 and 66-171, each lot shall provide, concurrently with construction of a new residence permitted after October 1, 1989, not less than three trees on the lot and one tree in the swale area adjoining the subject lot. Corner lots shall plant at least two trees in the adjoining swale. Every tree planted shall be a minimum of 12 to 14 feet in height (minimum 2½ D.B.H.) at the time of planting and shall be Florida Grade Number One or better. At least 75 percent of the minimum required trees must be native Florida species. The following native trees are recommended but do not represent an exhaustive list:~~

- ~~Bucida buceras (Black Olive)~~
- ~~Bursera simaruba (Gumbo Limbo)~~
- ~~Coccoloba diversifolia (Pidgeon Plum)~~
- ~~Coccoloba uvifera (Sea Grape)~~
- ~~Conocapsus erectus (Silver Buttonwood)~~
- ~~Cordia Sebestena (Geiger Tree)~~
- ~~Hibiscus tiliaceus (Mahoe)~~
- ~~Lysiloma bahamensis (Wild Tamarind)~~
- ~~Quercus virginiana (Live Oak)~~
- ~~Roystonea elata (Royal Palm)~~
- ~~Sabal palmetto (Sabal Palm)~~
- ~~Simarouba glauca (Paradise Tree)~~

~~Sec. 58-34. – Removal of certain species.~~

~~Concurrent with the construction of any new residence, the following exotic species shall be removed from the lot:~~

- ~~Casuarina equestriforma (Australian Pine)~~
- ~~Melaleuca quinquenervia (Punk Tree, Cajoput or Paper Bark)~~
- ~~Moraceae (Ficus)~~
- ~~Schinus terebinthifolius (Brazilian Pepper or Florida Holly)~~

Sec. 58-335. - Preservation of lot area.

A minimum of 35 percent of the area of each lot, including the swale adjacent thereto, shall be maintained as pervious surface. The use of pervious pavers will be considered in the calculation to the extent the applicant provides credible evidence of the permeability of the surface. Pervious area calculations shall be provided by a State of Florida registered Architect, Engineer or Landscape Architect.

* * *

1598 **Section 5.** That Chapter 66 “Zoning” of the Town of Golden Beach Land
1599 Development Code is amended to read as follows:

1600 **Chapter 66 - ZONING**

1601 * * *

1602
1603 **ARTICLE IV. - SUPPLEMENTARY DISTRICT REGULATIONS**

1604 * * *

1605
1606 **DIVISION 3. - SWALE REGULATIONS Drainage.**

1607
1608 Sec. 66-116. – Drainage Requirements.

1609
1610 All Properties must provide adequate drainage facilities and drainage fields and all
1611 well and drainage locations must be shown on a site plan in accordance with all
1612 applicable regulations. At a minimum:

- 1613 (a) All stormwater runoff shall be retained on-site.
- 1614 (b) All properties shall be graded and maintained so as to prevent ponding
1615 or any collection of standing or stagnant water.
- 1616 (c) Depressions, excavations or any other condition wherein water may
1617 accumulate and stand in such manner or fashion as to make possible
1618 the propagation of mosquitoes therein are prohibited.
- 1619 (d) A paving and drainage plan which conforms to this Division shall be provided
1620 including all areas of hardscape”, and includes engineering calculations
1621 confirming that all stormwater runoff will be retained on-site and that the
1622 proposed development will not create flooding issues on adjacent properties.

1623
1624 ~~Sec. 66-116. - Responsibility for landscaping.~~
1625 ~~The property Owner, tenant and/or resident living in the property or his agent shall be~~
1626 ~~jointly and severally responsible for the maintenance of all landscaping in Swale~~
1627 ~~Areas. The landscaping shall be maintained in good plant health so as to insure~~
1628 ~~safety, functional use and a healthy plant appearance. The landscaping shall be~~
1629 ~~pruned and free of dead limbs and branches. All dead growth shall be removed~~
1630 ~~immediately and replaced. No swale landscaping shall be maintained in such manner~~
1631 ~~as to constitute a nuisance.~~

1632 ~~Sec. 66-117. - Plants, sod.~~
1633 ~~(a) — Plants to be placed in the Swale Area shall be approved by the Building~~
1634 ~~Regulation Advisory Board and shall conform to the State agricultural standards.~~

1640 ~~Grass sod shall be clean and reasonably free of weeds and noxious pests or~~
1641 ~~diseases. Trees or shrubs shall be of a species whose roots are known not to cause~~
1642 ~~damage to public roadways or other public works and shall be planted in the swale~~
1643 ~~only after approval by the Building Regulation Advisory Board.~~

1644 ~~(b) Sod of a species normally grown as a permanent lawn grass shall be used in~~
1645 ~~swales or other areas subject to erosion and shall be planted so as to extend to the~~
1646 ~~abutting Street pavement. All sodded areas between the Street pavement and the~~
1647 ~~property line shall be maintained in a clean and healthy growing condition, free of~~
1648 ~~trash, debris, refuse, litter, ruts and potholes. No swale shall have grass exceeding~~
1649 ~~six inches in height.~~

1650 ~~Sec. 66-118. - Lawn markers.~~

1651 ~~All lawn markers utilized in front of residential lots abutting any Street or other public~~
1652 ~~way shall not exceed nine inches in diameter, nor ten pounds, and shall be~~
1653 ~~hemispheric shape. Rocks may not be used as a substitute for lawn markers. Each~~
1654 ~~lot shall be limited to no more than four lawn markers per 50 feet of Street Frontage.~~

1655 ~~Sec. 66-119. - Walls, fences generally.~~

1656 ~~No wall or fence of whatever substance, or series of shrubs, bushes, Hedges or~~
1657 ~~series of other growing matter that is capable of exceeding six inches in height after~~
1658 ~~time of planting, may be placed or maintained in such a manner as to constitute a~~
1659 ~~wall or a fence, and no other structure or plant shall be constructed, maintained or~~
1660 ~~otherwise allowed in the Swale Area adjacent to the front or side Street, or in the~~
1661 ~~public right-of-way or easement area unless approved by the Building Regulation~~
1662 ~~Advisory Board.~~

1663 ~~Sec. 66-120. - Sight obstruction at intersections.~~

1664 ~~No wall, fence or other structure or tree, plant or other vegetation shall be permitted~~
1665 ~~within the triangular area formed by lines connecting points 25 feet from the edge of paved~~
1666 ~~roads at any intersection formed by two or more public roads which or which would in any~~
1667 ~~way limit visibility for vehicles or pedestrians.~~

1668 ~~Sec. 66-121. - Notice of violation, abatement.~~

1669 ~~Notices of violations of this division may be mailed to the Owner of record as shown~~
1670 ~~on the tax roll of the County or may be posted upon the premises by affixing in any~~
1671 ~~conspicuous place on any structure located on such premises or by leaving such~~
1672 ~~notice of violation with any Person over the age of 15 years having charge of the~~
1673 ~~premises. Any Person receiving such notice may appeal to the Town Council~~
1674 ~~pursuant to section 66-43. Should any Owner, agent or Person having charge of or~~
1675 ~~occupying any lot or premises covered by this division refuse or neglect, for a period~~
1676 ~~of 15 days after receiving notice from the Town of any violation of this division, fail to~~
1677 ~~cure such violation, or appeal to the Town Council pursuant to section 66-43, the~~
1678 ~~Town may at its option act to cure such violation without further notice. The Town~~
1679 ~~may cause the structure or plantings to be abated and the cost of removal,~~
1680 ~~replacement or cutting of such work shall be forthwith paid by such Owner, agent or~~
1681 ~~other Person.~~

1682 ~~Sec. 66-122. - Lien for Town's expense.~~

1683 ~~Upon failure of the Owner, or other responsible Person to promptly pay the cost of~~
1684 ~~such work, the Town Manager shall cause an affidavit to be placed upon the public~~
1685 ~~records of the County describing the work done and the amount of the cost incurred~~

1686 by the Town. Such affidavit shall constitute a claim of lien against the property,
1687 foreclosable in the manner of assessment liens or as permitted by law. All costs of
1688 the action and reasonable attorney's fees incurred by the Town shall be determined
1689 by the court and assessed against the property.

1690 ~~Sec. 66-123. – Mowing.~~

1691 All lot Owners within the Town shall maintain the Swale Areas abutting their lots by
1692 mowing the lawn in the Swale Area at least once every 30 days, and shall not permit
1693 nuisances to occur within such Swale Areas.

1694 * * *

1696 **DIVISION 6. – LANDSCAPING RESERVED.**

1697 **~~Sec. 66-171. – Required.~~**

1698 All residences and vacant lots in the Town shall have grass, groundcover or
1699 landscaping maintained in a living condition on all portions of residential property
1700 where no structural improvements are located.

1701 **~~Sec. 66-172. – Responsibility of Owner.~~**

1702 The property Owner shall restore the grass groundcover and/or landscaping on his
1703 property in a manner keeping with the residential nature of the Town should such
1704 groundcover and/or landscaping be destroyed or impaired.

1705 **~~Sec. 66-173. – Landscaping plan.~~**

1706 (a) — Prior to the issuance of any building permit by the Town the applicant for the
1707 building permit shall submit and have approved in accordance with this Code of
1708 Ordinances a landscaping plan describing the type of landscaping and/or
1709 groundcover to be implemented on the property in conjunction with the requested
1710 Construction.

1711 (b) — The Town may decline to issue a building permit or a certificate of occupancy
1712 for the Construction of any new structure or addition thereto should the Owner or
1713 contractor not submit a landscape plan and implement it in accordance with this Code
1714 of Ordinances.

1715 **~~Sec. 66-174. – Violations, abatement.~~**

1716 Failure to maintain groundcover and/or landscaping according to the approved
1717 landscape plan is declared to be a public nuisance. The Town may implement
1718 abatement or other actions permitted by law against any property Owner who refuses
1719 to maintain his property in accordance with the approved landscape plan after notice
1720 of violation. Any notice of violation may be appealed to the Town Council.

1721 **~~Sec. 66-175. – Weeds, wild growth, rubbish, and debris.~~**

1722 (a) — Prohibitions. It shall be unlawful for any owner of any vacant lot, parcel or tract
1723 of land within the Town to permit weeds, grass or undergrowth to grow thereon to a

1724 height of six inches or more from the ground; or to permit rubbish, trash, debris, dead
1725 trees or other unsightly or unsanitary matter to remain thereon; or to permit the
1726 existence of depressions or excavations or any other condition on such premises
1727 wherein water may accumulate and stand in such manner or fashion as to make
1728 possible the propagation of mosquitoes therein.

1729 (b) — Failure to Comply; form of notice to property Owner or Owners.

1730 (1) — Upon the failure of the owner of any vacant lot, parcel or tract of land within the
1731 Town to keep such premises free of weeds, grass or undergrowth of a height of six
1732 inches or more from the ground or of rubbish, trash, debris, dead trees or other
1733 unsightly or unsanitary matter, or to keep premises free of excavations or
1734 depressions, as provided in this section, it shall be the duty of the Town Manager to
1735 give notice, as provided herein, requesting the owner or owners of such property to
1736 remedy the condition within 15 days after service of such notice.

1737 (2) — Such notice shall be given by registered or certified mail, addressed to the
1738 Owner of the property described, to the home of record, as recorded in the current
1739 county tax rolls, and shall be deemed complete and sufficient notice when so
1740 addressed and deposited in the United States mail with proper postage prepaid. The
1741 notice shall be in substantially the following form:

1742 Date: _____

1743 Name of owner: _____

1744 Address of owner: _____

1745 Our property records indicate you to be the owner(s) of the following described
1746 property in the Town of Golden Beach:

1747 An inspection of this property discloses, and the Town Manger has found and
1748 determined, it to be in such condition as to be in violation of section 66-175(a) of the
1749 Code of the Town of Golden Beach, because (state why property is in violation, i.e.,
1750 height of weeds, grass or undergrowth, debris, dead trees, etc.):

1751 Section 66-175(a) of the Code of the Town of Golden Beach provides that it shall be
1752 unlawful for you to permit this condition to continue, and you are hereby notified that
1753 unless this condition is remedied so as to make it nonviolative of section 66-175(a)
1754 of the Code of the Town of Golden Beach, within 15 days from the date hereof, the
1755 Town of Golden Beach will proceed to remedy such condition, and the cost of such
1756 work will be imposed as a lien upon this property. The estimated cost to remedy this
1757 condition would be _____, plus \$50.00 for administrative charges, for a total
1758 cost of _____.

1759 This notice will be the only notice given to you in a period of one year from this date.
1760 Any other violations occurring under this section shall be remedied by the Town
1761 without further notice.

1762 Very truly yours,

1763 ——— Town Manager ———

1764 ~~(c) — Cost of Clearing as Lien on Property—Collection, foreclosure and sale. Upon~~
1765 ~~failure of the owner of property to remedy the conditions existing in violation of the~~
1766 ~~requirements of this section within 15 days after service of notice to do so, then the~~
1767 ~~Town Manager shall proceed to have such condition remedied by contract or direct~~
1768 ~~labor, or both, and the cost thereof shall be and become a lien against such property~~
1769 ~~30 days after notice of completion of work by the Town, to the same extent and~~
1770 ~~character as the lien for special assessments, and with the same penalties and with~~
1771 ~~the same rights of collections, foreclosure, sale and forfeiture as obtained for special~~
1772 ~~assessment liens. The cost chargeable to the Owner shall not exceed the amount of~~
1773 ~~cost as set forth in the notice served to the property Owner or Owners required herein~~
1774 ~~under section 66-175(a).~~

1775 ~~(d) — Same — Due date, delinquency interest rates. The lien for the cost of clearing~~
1776 ~~lots, parcels or tracts of land or of removing or remedying the conditions thereof found~~
1777 ~~to be in violation of this section, plus any other administrative charges, shall become~~
1778 ~~due and payable 30 days after publication of the notice of completion of such work,~~
1779 ~~except in cases wherein a petition is filed within such period as provided for in section~~
1780 ~~66-175(h) and where, upon consideration of such petition, the Council has changed~~
1781 ~~and corrected the amount of lien as filed in the Office of the Clerk of the Circuit Court~~
1782 ~~of the County; in such cases the lien shall become due and payable 30 days after~~
1783 ~~such Council action. After the respective due dates above fixed, all unpaid liens shall~~
1784 ~~become delinquent and shall thereafter bear interest at the rate of six percent per~~
1785 ~~annum until sold. This lien may be enforced and satisfied by the Town pursuant to~~
1786 ~~F.S. ch. 173, as amended from time to time, or by any other method permitted by law.~~
1787 ~~The lien provided for in this section shall not be deemed to be in lieu of any other~~
1788 ~~legal remedies for recovery of such fee, late charges, and accrued interest available~~
1789 ~~to the Town.~~

1790 ~~(e) — Same — Installment payments; waiver of irregularities, interest rates.~~

1791 ~~(1) — The lien for the cost of clearing any lot, parcel or tract of land or of removing or~~
1792 ~~remedying the condition thereof found to be violative of this section, if the same is in~~
1793 ~~excess of \$100.00, may be paid in two equal installments due, respectively, on the~~
1794 ~~first day of November following the due date prescribed above, and on the first day~~
1795 ~~of November of the year following; provided, that the Owner or Owners of such lot,~~
1796 ~~parcel or tract of land shall file with the Town Manager, on or before the due date, a~~
1797 ~~written undertaking waiving any and all irregularities or illegality in connection with~~
1798 ~~the imposing of such lien.~~

1799 ~~(2) — Such deferred installments shall bear interest at the rate of ten percent per~~
1800 ~~annum from and after the due date of the lien, but any such lien or installment thereof~~
1801 ~~may be paid at any time when accompanied by the payment of interest due upon the~~
1802 ~~entire unpaid balance of the lien to date of payment.~~

1803 ~~(3) — Failure to pay any such installment when the same shall become due shall,~~
1804 ~~without notice or other proceeding, cause the entire unpaid balance of the lien to~~
1805 ~~become due and payable forthwith.~~

1806 ~~(f) — Lien books, information. Upon notification that the proper notice has been~~
1807 ~~served due to the determination that certain described lots, tracts or parcels of land~~
1808 ~~are in such condition as to be in violation of the requirements of this Article, the Town~~
1809 ~~Manager shall cause to be filed in the Office of the Clerk of the Circuit Court of the~~
1810 ~~County, the legal description of the land involved, the total estimated cost and date~~
1811 ~~of the notice.~~

1812 ~~(g) — Statement of costs, filing; publication of work, cost and lien. As soon as~~
1813 ~~practicable after completion of the work, if such work be done by the Town, the Town~~
1814 ~~Manager shall execute, or cause to be executed, and file with the Town Clerk, a~~
1815 ~~statement of costs and completion of work, which shall certify the completion thereof.~~
1816 ~~The Town Clerk shall thereafter cause to be published in a newspaper of general~~
1817 ~~circulation in the County or Town, a notice giving the description of the property, the~~
1818 ~~amount of the cost of the work, the date of completion of the work and the fact that~~
1819 ~~the cost thereof is a lien against the property.~~

1820 ~~(h) — Interested persons may petition Council to dispute assessed costs, Council~~
1821 ~~inquiry.~~

1822 ~~(1) — Any person owning all or any interest in property which has been found to be~~
1823 ~~in violation of this section, and upon which remedial work by the Town has been done,~~
1824 ~~shall have the right, at any time within 30 days after publication of the notice of~~
1825 ~~completion of work under this section, to present to the Town Clerk a sworn petition~~
1826 ~~stating his interest in the property and alleging that in the opinion of the petitioner the~~
1827 ~~cost of the work as entered in the sanitary lien book exceeds the actual cost thereof~~
1828 ~~or is otherwise erroneous.~~

1829 ~~(2) — Such petition shall be presented to the Council for its consideration at its next~~
1830 ~~regular meeting, provided at least ten days have intervened between the time of the~~
1831 ~~filing of such petition and the date of such meeting, at which time and place the~~
1832 ~~Council shall consider the same and make due inquiry into the questions involved. If~~
1833 ~~it shall appear to the satisfaction of the Council that the cost as entered is erroneous,~~
1834 ~~then the Council shall by resolution so declare and shall have the entry thereof in the~~
1835 ~~County records corrected, and shall fix and confirm the amount to be charged against~~
1836 ~~such lot, parcel or tract of land as it shall find just and proper, and the amount so fixed~~
1837 ~~shall stand as the amount of the lien, effective as of the date of completion of the~~
1838 ~~work aforesaid, or the Council may confirm the lien in the amount as originally entered~~
1839 ~~in the public records.~~

1840 **Secs. 66-1716—66-185. - Reserved.**

1841 **DIVISION 7. - WALLS, AND FENCES AND HEDGES**

1842

1843 **Sec. 66-186. - Height restrictions.**

- 1844
- 1845 (a) In Zone One no wall, ~~hedge~~, or fence between estates or lots shall be
1846 constructed or altered to exceed in height the following: Parallel to the side
1847 property line within 60 feet of the west property line, a height of six feet;
1848 thence easterly along patios and main house structure to height of six feet;
1849 thence easterly for 30 feet, a height of four feet; thence easterly to the ocean
1850 front, a height of two feet. No wall, ~~Hedge~~, or fence higher than two feet may
1851 be erected on the east (Ocean Front) property line. No wall, ~~Hedge~~, or fence
1852 higher than six feet above the crown of the road may be erected on the
1853 (Ocean Boulevard) property line.
- 1854
- 1855 (b) In Zones Two and ~~Three~~, no wall ~~Hedge~~, or fence between estates or lots
1856 shall be constructed or altered to exceed a height of six feet in height.
- 1857
- 1858 (c) In Zone Three, no wall or fence between estates or lots shall be constructed
1859 or-altered to exceed a height of six feet.
- 1860
- 1861 (d) No walls, ~~Hedges~~, or fences higher than, two feet may be erected along the
1862 waterways, except that open metal or chain link fences may be four feet
1863 high.
- 1864
- 1865 (e) No walls, ~~Hedges~~, or fences higher than, four feet may be erected on the
1866 Street property line, nor erected in such manner, ~~planted and permitted to~~
1867 ~~grow~~ so as to block the view of a driver of a vehicle or bicycle operating on
1868 any road within the Town as provided by section 52-45(e)66-120.
- 1869
- 1870 (f) Throughout Zones One, Two and Three, any wall, ~~Hedge~~, or fence
1871 constructed within a Setback area other than on a property line shall not
1872 exceed the height permitted for Construction of walls, ~~Hedges~~ or fences
1873 allowed on the nearest property line within the zones. In no event shall
1874 walls, ~~Hedges~~ or fences within building Construction areas exceed six feet
1875 in height.
- 1876
- 1877 (g) All heights stated in this section are measured from the finished ground floor
1878 of the site where the fence is to be built. For fences abutting a street, the
1879 maximum level of the top of the fence shall be four feet above the finished
1880 site elevation without any berming or six feet above the maximum elevation
1881 of the crown of the road adjacent to the property whichever is the highest.
1882 Pilasters may exceed the maximum fence height by up to one foot, and
1883 operable gates may exceed the maximum fence height by three feet.
1884 Ornamental features, such as lights or decorative castings, a maximum 24
1885 inches in height may be erected on top of a maximum of four pilasters. No
1886 berm shall be permitted in the street right-of-way. Fences erected along the
1887 right-of-way must be fully screened with landscaping including hedges or
1888 vines screening their full height.
- 1889 (h) Vacant lots.

- 1890 (1) Throughout Zones One ~~and Two~~, vacant lots ~~within the Town~~ shall
1891 be secured on all four sides. A white vinyl picket fence at least
1892 four ~~three~~ feet in height shall be placed along the perimeter of the
1893 property adjacent to a right-of-way. Along the right-of-way frontage,
1894 the yard area outside the fence shall be ~~improved with basic irrigation~~
1895 and planted with accent plant material and/or sod and watered and
1896 maintained so as to prevent browning, disease, weeds,
1897 overgrowth or dead spots.
- 1898 (2) Throughout Zone Two, along the right-of-way frontage of vacant lots,
1899 the yard area shall be planted with accent plant material and/or sod
1900 and watered and maintained so as to prevent browning, disease,
1901 weeds, overgrowth or dead spots.
- 1902 (3) Throughout Zone Three, vacant lots shall be secured on either the
1903 water side or the street side from side property line to side property
1904 line with a white vinyl picket fence at least four feet in height. Along
1905 the right-of-way frontage of vacant lots, the yard shall be planted with
1906 accent plant material and/or sod and watered and maintained so
1907 as to prevent browning, disease, weeds, overgrowth or dead
1908 spots.

1909
1910 **Sec. 66-187. - Construction materials.**

1911 Throughout Zones One, Two and Three, live Hedges may be grown in lieu of masonry
1912 built walls or fences, subject to the same height restrictions applicable in the zone. Walls
1913 and fences of plywood, composition materials, simulated wood, or sheet metal are
1914 prohibited. However, a rail type open fence may be permitted if the wood rails are set
1915 between piers not less than 21 inches square built of brick or stone or in the alternative
1916 wooden uprights of a minimum size of six inches by six inches and spaced not more than
1917 12 feet apart. Rails may not be smaller than four inches by four inches. Chain-link wire
1918 fences are permitted along rear and side yards where all fence components, including
1919 framing members, are covered in green or black vinyl. Alternatively, rear and side yards
1920 may be enclosed by white vinyl picket or solid panel fencing. Where chain-link, picket, or
1921 solid panel fencing is used, such fencing shall be fully screened by hedge plant material
1922 for the full height of the fence. In Zones Two and Three, piling shall be required under all
1923 piers, pilasters and walls for fences and for flower boxes which may not be cantilevered
1924 from beams, except that wooden uprights as referenced above, shall not need pilings, but
1925 shall penetrate into the ground a minimum of three feet and be encased in a concrete
1926 footing with a minimum thickness of one foot measured from the edge of the wooden
1927 upright. All fences shall be finished or constructed in such manner as to have the same
1928 appearance, design and finish on each side.

1929 **Sec. 66-188. - Maintenance.**

1930 All Hedges, walls and fences shall be maintained in accordance with the landscaping plan
1931 or permitted Construction plan approved by the Building Regulation Advisory Board.

1932 **Secs. 66-189—66-200. - Reserved.**

1933
1934 * * *
1935
1936 **Sec. 66-251. - Cabanas/Gazebos.**

1937 ~~(a) In Zone One a cabana or similar structure separate from the main house~~
1938 ~~structure may be permitted to be erected only on the oceanfront of a~~
1939 ~~property provided it contains not more than 250 square feet of roofed area~~
1940 ~~and not more than one story in height. However, no part thereof shall be~~
1941 ~~east of a line joining the corners of nearest existing similar structures nor~~
1942 ~~shall any part be within 50 feet of the Mean High Water Line; and no~~
1943 ~~part of the roof thereof shall be more than 15 feet above MGVD which floor~~
1944 ~~level is hereby established as a base line. Such structure may be built to~~
1945 ~~the lot lines. Side line and east lot line clearance is not required. No more~~
1946 ~~than one such structure is permitted to be erected for each residence. The~~
1947 ~~roof of the Cabanas shall not be used as solarium or for any other similar~~
1948 ~~use by persons.~~

1949 ~~(b) In Zone Two and Zone Three, one Gazebo separate from the main house~~
1950 ~~structure may be permitted to be erected, subject to the following~~
1951 ~~requirements:~~

1952 ~~(1) The Gazebo shall not be more than one story in height and must~~
1953 ~~contain matching roof slopes and detailing similar to the principal~~
1954 ~~structure;~~

1955 ~~(2) The roof of the Gazebo shall not be used as a solarium or for any~~
1956 ~~similar purposes; and~~

1957 ~~(3) The Gazebo must comply with the following setback requirements:~~

1958 ~~a. Zone Two: A Gazebo in Zone Two must be placed at least ten~~
1959 ~~feet from the side lot line and ten feet from the rear lot line.~~

1960 ~~b. Zone Three: A Gazebo in Zone Three must be placed at least~~
1961 ~~ten feet from the side lot line and 15 feet from the rear lot line.~~

1962 ~~(4) The maximum size of a Gazebo shall be 150 square feet of roofed~~
1963 ~~area. for any lot with a front street frontage of up to 175 feet. Lots~~
1964 ~~with a minimum of 175 feet of front street frontage shall not exceed~~
1965 ~~250 square feet of roofed area.~~

1966 **ALTERNATE:**

1967
1968 (a) In Zones One, Two and Three one, and only one, cabana or similar
1969 structure separate from the main house structure may be permitted to be
1970 erected only within the rear yard. The roofed area of such structure shall
1971 not exceed 2% of the net lot area up to a maximum of 500 square feet.

1972 (b) Within Zone One, no part thereof shall be east of a line joining the corners
1973 of the nearest existing similar structures nor shall any part be within 50 feet

1974 of the Mean High Water Line. Such structure may be built to the lot lines.
1975 Side line and east lot line clearance is not required.

1976 (c) In Zone Two the structure must be placed at least ten feet from the side lot
1977 line and ten feet from the rear lot line.

1978 (d) In Zone Three the structure must be placed at least ten feet from the side
1979 lot line and 15 feet from the rear lot line.

1980 (e) No structure permitted under this section shall exceed one story or a height
1981 of 15 feet above BFE.

1982 (f) Structures under this section must contain matching roof slopes and
1983 detailing similar to the principal structure;

1984 (g) The roof of the structure shall not be used as a solarium or for any similar
1985 purposes

1986
1987 **Section 6.** That if any section, clause, sentence or phrase of this Ordinance is

1988 for any reason held invalid or unconstitutional by a court of competent jurisdiction, the
1989 holding shall not affect the validity of the remaining portions of this Ordinance.

1990 **Section 7.** That all ordinances or parts of ordinances in conflict with the
1991 provisions of this Ordinance are repealed to such extent of the conflict.

1992 **Section 8.** That this Ordinance shall be codified in accordance with the
1993 foregoing. It is the intention of the Town Council that the provisions of this Ordinance shall
1994 become and be made a part of the Town of Golden Beach Code of Ordinances; and that
1995 the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance"
1996 may be changed to "section", "article" or such other appropriate word or phrase in order
1997 to accomplish such intentions.

1998 **Section 9.** That this Ordinance shall take full effect immediately upon its
1999 passage and adoption.

2000 The Motion to adopt the foregoing Ordinance was offered by
2001 _____, seconded by _____, and on roll
2002 call the following vote ensued:

2003 Mayor Glenn Singer _____
2004 Vice-Mayor Kenneth Bernstein _____
2005 Councilmember Amy Isackson-Rojas _____
2006 Councilmember Judy Lusskin _____
2007 Councilmember Bernard Einstein _____

2008
2009
2010

PASSED AND ADOPTED on first reading this 25th, day of October, 2016.

2011
2012

The Motion to adopt the foregoing Ordinance was offered by _____, seconded by _____, and on roll

2013 call the following vote ensued:

2014 Mayor Glenn Singer _____
2015 Vice-Mayor Kenneth Bernstein _____
2016 Councilmember Amy Isackson-Rojas _____
2017 Councilmember Judy Lusskin _____
2018 Councilmember Bernard Einstein _____

2019
2020
2021

PASSED AND ADOPTED on second reading this ___ day of _____, 2016.

2022
2023
2024

MAYOR GLENN SINGER

2025
2026
2027
2028
2029

ATTEST:

LISSETTE PEREZ
TOWN CLERK

2032
2033

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

2036
2037
2038

STEPHEN J. HELFMAN
TOWN ATTORNEY

2040
2041
2042




TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: October 25, 2016

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Lissette Perez, 
Town Clerk

Subject: **Town Council Minutes**

Item Number:

2 & 3

Recommendation:

It is recommended that the Town Council adopt the attached minutes of the Town's August 16th, 2016 Regular Town Council Meeting and September 6th, 2016 First Budget Hearing.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the August 16, 2016
Regular Town Council Meeting called for 7:00 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:05 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Councilmember Judy Lusskin, Vice Mayor Kenneth Bernstein, Councilmember Amy Isackson-Rojas

Councilmember Not Present: Councilmember Bernard Einstein

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Town Attorney Steve Helfman, Finance Director Maria D. Camacho, Chief of Police Rudy Herbello, Lt. Yovany Diaz

C. PLEDGE OF ALLEGIANCE

Chief of Police Herbello led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

RECOGNITION OF EMPLOYEE OF THE SECOND QUARTER – Judith Jerome

RECOGNITION OF OFFICER OF THE SECOND QUARTER – Oscar Suarez

SWEARING-IN OF PART-TIME OFFICER RUDOLPH HERRERA

E. MOTION TO SET THE AGENDA

ADDITIONS/ DELETIONS/ REMOVAL OF ITEMS FROM CONSENT
AGENDA/ AND CHANGES TO AGENDA

F. GOOD AND WELFARE

Dr. Neil Karlin, 687 Ocean Boulevard

Spoke on the increased problem he has noticed on the beach with trespassers. Met with the Town Manager to discuss the situation and brought his survey of his land, which denotes that he owns the land from his property to the waterline. Years ago legislation was passed changing this, and changing his property line from the water line to the mean high tide water line. The land is only for people to traverse across. Town Manager said that he would have police officers remove persons on the beach above the mean high water line, but advised that below the mean high water line there was nothing the Town could do.

Stated that recently six people came out with two umbrellas and beach chairs and laid out right next to his house. Called the police and they came out right away and had the beachgoers move closer to the ocean. When he spoke to the police they said that they let them stay there because they weren't breaking any laws. Concerned about this problem, feels that it is only going to get worse and asked what is going to be done about this.

Town Attorney commented that Dr. Karlin is correct, he does own the property up to the mean-high water line. But by virtue of state law he owns to the mean high water line and everything on the other side of it is public property. From the wet sand up to the water, Town is not allowed to tell people to leave, Town does not control what activities go on there.

Dr. Karlin's concern is that the Town put up signs that say that that area is for traversing only and people are not allowed to stop there and loiter.

Town Attorney stated that he did not believe that was correct. But he would look into it and get back to him with the answer.

G. MAYOR'S REPORT

Welcomed everyone back from the summer. Now that school starts, urged everyone to drive slower and safer and watch out for the school buses and the children. Welcomed the new police officer and congratulated the officer and the employee of the quarter. Congratulated Vice Mayor Bernstein on his recent engagement. Looking to add some amenities and enhancements to the beach. The dog park was moved and some shade trees were installed. Both tennis courts were redone.

H. COUNCIL COMMENTS

Councilmember Rojas

Deferred comments to the items in the agenda.

Councilmember Lusskin

Commended the Town Manager on how the Town dealt with the Zika virus issue. Recommended the Town do a meet and greet for residents to get to know each other in either October or November. Maybe combining it with the Veteran's Day event. Providing nametags, and making it, an official get to know each other event.

Vice Mayor Bernstein

Complimented the Town Manager, the Chief and the staff because everything is running so well with the Town. Such a joy to work with people that you enjoy working with. Second thing, now that the Town has so much revenues coming in, he really wants to look at what the priorities, items for consideration, should be in Town. Such as, the beach area, the lights in the Town, the transformers, and most importantly the canals.

I. TOWN MANAGER REPORT

Thanked the Council for commendations. The Town has undergone a very aggressive Zika campaign. During the Summer the Town held a tree dedication ceremony for the opening of Tweddle Park. More amenities are available there. The Town authorized the landscaping of all of the Town's transformers and authorized \$30,000 worth of

landscaping work in North Park. Landscaping has been done throughout the community. Town is offering a food truck event every weekend between now and the end of September at the beach pavilion. Spent a lot of time this year focusing on the budget. Met with partners to discuss the canal maintenance. Also met with several financial advisors. Police department has grown. Audit came back fine. Audit for pension came back excellent.

Commissioner Heyman had a budget workshop for the county a few weeks ago. Stated that he tasked Commissioner Heyman with helping the Town address the canal maintenance issue. Promised that within the next few weeks skimmers will be coming to the town to skim the Town's waters. We think that by doing some of the skimming we will begin to see some immediate results.

- Canal Maintenance Presentation

Sean Compel from Stantec and **Eddie Suarez**, President of Longitude surveyors gave a presentation on the Town's current situation with the canals.

J. TOWN ATTORNEY REPORT

- Landscape Ordinance Review

Wanted to get a sense of the process. Recommends that the Town conduct at least one workshop before bringing the item back for first reading.

Town Manager stated that the Council may want to hold off until October to have the workshop.

Council called for the landscape workshop to take place on Wednesday, September 14th at 4 p.m.

K. ORDINANCES – SECOND READING

None

M. ORDINANCES - FIRST READING

1. An Ordinance of the Town Council Amending the "Rules of Procedure" to Define the Number of Members to be Present at Board Meetings for Quorum to Exist.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING ARTICLE III, "BOARDS, COMMITTEES, COMMISSIONS," DIVISION 3, "BUILDING REGULATION ADVISORY BOARD," SECTION 2-80 "RULES OF PROCEDURE" TO DEFINE THE NUMBER OF MEMBERS TO BE PRESENT AT BOARD MEETINGS FOR QUORUM TO EXIST; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 570.16

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 570.16

A motion to approve was made by Councilmember Rojas, seconded by Councilmember Lusskin.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Einstein	<u>Absent</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

The motion passed.

Town Manager stated that what this ordinance does is allow town staff to count towards quorum for the Town to conduct the business of the Town, with the exception of variance requests/quasi-judicial items. The Town has had to cancel the last four BRAB meetings.

Vice Mayor Bernstein asked if there was a reason for the Town not to go through a building advisory board.

Town Manager stated that the Council really wants the input of the public. The board has helped keep the growth of the Town at a steady pace. The Council only gets involved when there is a variance. 80% of what the building advisory board reviews or takes into consideration the Council never sees. Council only sees variance.

N. QUASI JUDICIAL RESOLUTIONS

None

O. CONSENT AGENDA

2. Official Minutes of the May 24th, 2016 Special Town Council Meeting.

Motion to approve was made by Vice Mayor Bernstein, seconded by Councilmember Lusskin.

Consensus vote 4 Ayes 0 Nays. Item O1 passed.

P. TOWN RESOLUTIONS

3. A Resolution of the Town Council Approving Professional Services Contract with Estrada Hinojosa & Company, Inc.

A RESOLUTION OF THE TOWN OF GOLDEN
BEACH, FLORIDA, APPROVING PROFESSIONAL

SERVICES CONTRACT BETWEEN THE TOWN OF GOLDEN BEACH AND ESTRADA HINOJOSA & COMPANY, INC., CONCERNING FINANCIAL ADVISORY SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2453.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2453.16

A motion to approve was made by Councilmember Lusskin, seconded by Councilmember Rojas.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Einstein	<u>Absent</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

The motion passed.

Town Manager stated that the Town has an opportunity to refinance its bonds, projecting a long-term savings of approximately \$1.5-million in doing so over the life of the bonds.

Lourdes Abadin and Cristina Zeinali gave a presentation on the firm and their services. Looking at the Town's 2008 bonds and the option to refinance them.

Councilwoman Lusskin asked if doing this would call the bonds.

Ms. Abadin stated that the bonds cannot be called until 2018.

Town Manager stated that refinancing would help alleviate some of the Town's debt service burden, and by alleviating some of the debt service burden it creates the opportunity in the Town's General Fund millage to take those savings and dedicate them to Capital Projects moving forward.

4. A Resolution of the Town Council Ratifying the Maximum Proposed Millage Rate for F/Y 2016-2017.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, RATIFYING THE MAXIMUM PROPOSED MILLAGE RATE FOR F/Y 2016-2017 THAT WAS TRANSMITTED TO THE PROPERTY APPRAISER OF MIAMI-DADE COUNTY PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS

OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Resolution No. 2454.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2454.16

A motion to approve was made by Councilmember Lusskin, seconded by Vice Mayor Bernstein.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Einstein	<u>Absent</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

The motion passed.

Mayor Singer read aloud the proposed millage rate of 8.4 mills.

Town Manager stated that last year they presented a two-year budget that was pretty solid. In addition to that, the Town is on track so far to carry forward at least \$450-thousand into next year's budget.

5. A Resolution of the Town Council Awarding a Comprehensive Health Insurance Plan for the Employees of the Town.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AWARDING A COMPREHENSIVE HEALTH INSURANCE PLAN FOR THE BENEFIT OF THE TOWN OF GOLDEN BEACH EMPLOYEES AND ELIGIBLE DEPENDENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2455.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2455.16

A motion to approve was made by Councilmember Lusskin, seconded by Councilmember Rojas.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Einstein	<u>Absent</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

The motion passed.

Town Manager stated that the Town is changing from its current choice 1 plan to a choice 2 plan for health insurance. The only difference is that in certain areas, there is a co-insurance of 10% up-to the out-of-pocket plan maximum.

6. A Resolution of the Town Council Renewing the Agreements for Dental and Vision Insurance Plans for the Employees of the Town.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, RENEWING THE AGREEMENTS FOR A DENTAL INSURANCE AND A VISION INSURANCE PLAN FOR THE BENEFIT OF THE TOWN OF GOLDEN BEACH EMPLOYEES AND ELIGIBLE DEPENDENTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 2456.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2456.16

A motion to approve was made by Councilmember Lusskin, seconded by Councilmember Rojas.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Einstein	<u>Absent</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

The motion passed.

Town Manager stated that the dental insurance increase will only be 6% not 12%, requested an adjustment be made to the Manager's memo to reflect the change.

7. A Resolution of the Town Council Approving the Interlocal Agreement between the Town and Miami-Dade County for Enforcement of Code Violations.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE TOWN AND MIAMI-DADE COUNTY, FLORIDA FOR THE ENFORCEMENT OF CIVIL PENALTIES FOR CODE VIOLATIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 2457.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2457.16

A motion to approve was made by Councilmember Rojas, seconded by Vice Mayor Bernstein.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>
Councilmember Einstein	<u>Absent</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

The motion passed.

Town Manager stated that what this ordinance does is allow the Town to issue criminal violations to address certain crimes. This gives our officers another tool in enforcing the state, county, and local laws.

Chief Herbello stated that the Town's officers are very proactive when it comes to this.

Councilmember Lusskin asked if this was what Commissioner Sally Heyman worked on.

Town Manager stated that she championed this item.

8. A Resolution of the Town Council Adopting An Emergency Management Plan for the Town.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE TOWN'S EMERGENCY MANAGEMENT PLAN AS PRESENTED; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8

Resolution No. 2458.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2458.16

A motion to approve was made by Councilmember Rojas, seconded by Councilmember Luskin.

On roll call, the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Luskin	<u>Aye</u>
Councilmember Einstein	<u>Absent</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

The motion passed.

Town Manager stated that the Chief tackled the drafting of the Town's emergency management plan because the Town had no true plan in place. Thanked the Chief for putting it together.

Q. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Kenneth Bernstein:
None Requested

Councilmember Bernard Einstein:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Judy Luskin:
None Requested

Town Manager Alexander Diaz:
None Requested

**** **Town Manager** reminded the Council of the dates of the September meetings. Budgets will be delivered to homes a week before the first meeting. Also reminded the Council and residents of the upcoming election year and the important dates to keep up with.

This year, thanks to the Mayor and Town Council Town Hall will be closed for the week in between December 25th and January 1st.

Councilmember Luskin also took a moment to remind residents about the 5K race-taking place on September 25th.

Councilmember Rojas inquired about ethics training and the requirements of the councilmembers.

R. ADJOURNMENT:

A motion to adjourn the Council Meeting was made by Councilmember Rojas, seconded by Councilmember Lusskin.

Consensus vote 4 Ayes 0 Nays. Motion passes.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the September 6, 2016 First Budget Hearing called for 7:00 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:05 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Councilmember Judy Lusskin, Councilmember Bernard Einstein, Councilmember Amy Isackson-Rojas, *Vice Mayor Kenneth Bernstein (arrived during the motion to set the agenda)*

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Town Attorney Steve Helfman, Chief of Police Rudy Herbello, Lt. Yovany Diaz, Public Works Director Kirk McKoy, Facilities & Maintenance Director Ken Jones, Building & Zoning Director Linda Epperson

C. PLEDGE ALLEGIANCE

Chief Herbello led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

None

E. MOTION TO SET THE AGENDA

ADDITIONS/ DELETIONS/ REMOVAL OF ITEMS FROM CONSENT
AGENDA/ AND CHANGES TO AGENDA

F. TOWN RESOLUTIONS

- 1. A Resolution of the Town Council Adopting the Proposed Millage Rate for the Fiscal Year Commencing October 1, 2016 through September 30, 2017.**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF GOLDEN BEACH, FLORIDA, ADOPTING THE
PROPOSED MILLAGE RATE OF THE TOWN OF GOLDEN
BEACH FOR THE FISCAL YEAR COMMENCING

OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017
PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL);
SETTING A DATE FOR A FINAL PUBLIC HEARING TO
ADOPT THE MILLAGE RATE; PROVIDING FOR AN
EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Resolution No. 2459.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2459.16

A motion to approve was made by Councilmember Lusskin, seconded by Councilmember Einstein.

Town Attorney asked that they also at the same time read the budget resolution and open both up for public hearing, but still act on them separately.

Mayor Singer read the budget item and the motion was made to approve, and seconded.

Town Attorney stated that now both items were before the council for discussion purposes, when we come to action they will be voting on separately. The public is free to make comments and speak about both the budget and the millage.

Town Attorney read into the record that the roll back rate of 6.5031 and the proposed millage rate 7.3960 which is 13.73% over the rolled back rate and we have a voted debt service millage of 1.004 mills.

Mayor Singer read the total millage rate into the record.

Town Manager gave a presentation on the budget – going over each section, line by line.

Resident Tony Rojas, 600 Golden Beach Drive

Recommended the Town buy efficient natural gas vehicles for the Town's police vehicle fleet.

Town Manager stated that the Town has looked into that for when the Town replaces the Town's non-police fleet.

Resident Neil Leff, 48 Terracina Ave mentioned that he had inquired last year at the second budget meeting about the stormwater administrative fees. He asked to get something in writing and never received anything.

Town Manager Diaz stated that unless he has a document that answers that question he is not legally obligated to produce a document to produce that document. The

Town's prior administration always added administrative costs to that fund. Not willing to create that document to satisfy that request. Will publicly explain why that number is something that he feels comfortable with. The Town's stormwater fund is the only enterprise fund the Town has that it can charge the residents a revenue fee, to cover the costs of the administration, cover the cost of the system, to cover the operating costs. Not trying to be difficult or not answer the question, there is no document that clearly outlines what that number is. It is just a general line item transfer. This administration has taken that number and decreased it over the years.

Councilmember Bernstein asked if there was no way to quantify the number with a document.

Town Manager stated that it is in the Town's best interest that that document does not exist. Because if it shows that the Town needs to increase the costs to fund it, the auditors may call for the Town to increase the stormwater fee.

On roll call, the following vote ensued:

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

The motion passed.

2. A Resolution of the Town Council Adopting the Tentative Budgets for the Fiscal Year Commencing October 1, 2016 through September 30, 2017.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ADOPTING THE TENTATIVE BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Resolution No. 2460.16

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2460.16

A motion to approve was made by Councilmember Rojas, seconded by Councilmember Lusskin.

On roll call, the following vote ensued:

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

The motion passed.

Town Manager reminded council that the landscape ordinance workshop is scheduled for Wednesday, September 14th.

G. ADJOURNMENT:

A motion to adjourn the Council Meeting was made by Councilmember Einstein, seconded by Vice Mayor Bernstein.

Consensus vote 5 Ayes 0 Nays. Motion passes.

The meeting adjourned at 8:53 p.m.

Respectfully submitted,

Lisette Perez
Lisette Perez
Town Clerk



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: October 25, 2016

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz, *Alex B*
Town Manager

Subject: Resolution No. 2466.16 – Approving the Waste Disposal
Agreement with Wheelabrator South Broward, Inc.

Item Number:

4

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2466.16 as presented.

Background:

The Town's existing agreement with Wheelabrator has expired. Their close proximity to the Town and competitive tipping fees make them the right choice for our waste disposal. Wheelabrator is also a waste to energy plant, which is consistent with our "Going Green" approach to Town services.

Fiscal Impact:

As budgeted in the Fiscal Year

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2466.16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA APPROVING A WASTE DISPOSAL AGREEMENT WITH WHEELABRATOR SOUTH BROWARD, INC.; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Golden Beach, Florida (the “Town”) provides residential waste collection services for the Town residents and desires to deliver the waste to a waste management/disposal facility outside of the Town; and

WHEREAS, Wheelabrator South Broward, Inc. (“Wheelabrator”) operates a waste disposal facility in Fort Lauderdale, Florida, where it accepts waste for a fee and generates energy from the waste; and

WHEREAS, the Town Council has determined that the Waste Disposal Agreement between the Town and Wheelabrator, attached hereto as Exhibit “A,” (the “Agreement”) is acceptable and will well serve the needs of the Town.

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

Section 1. Recitals Adopted. Each of the above-stated recitals are hereby adopted and confirmed.

Section 2. Agreement Approved. The Town Council hereby approves the Waste Disposal Agreement.

Section 3. Implementation. The Town Mayor and Town Manager are directed to take all steps reasonably necessary to implement this Resolution.

Section 4. Authorization. The Town Manager is authorized to execute the Agreement in substantially the same form as Exhibit "A," subject to the approval of the Town Attorney as to form, content, and legality.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

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

Mayor Glenn Singer	_____
Vice Mayor Kenneth Bernstein	_____
Councilmember Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Amy Isackson-Rojas	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida this 25th day of October, 2016.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

WASTE DISPOSAL AGREEMENT

THIS AGREEMENT, dated as of 10/1/2016, by and between Wheelabrator South Broward, Inc., (the "Company") and Town of Golden Beach, Florida, a Florida Municipal Corporation (the "Hauler"), pursuant to which Hauler shall deliver Acceptable Waste (as defined herein) to the resource recovery facilities operated by Company and located at 4400 South State Rd 7 Fort Lauderdale, Florida 33314 (the "Facility"), in accordance with the following terms and conditions:

1. **Delivery of Acceptable Waste.** Hauler shall only deliver Acceptable Waste to the Facility subject to the terms and conditions herein. For purposes of this Agreement, Acceptable Waste means all household garbage, trash, rubbish, refuse, normally or which may be hereinafter collected and disposed of by or on behalf of Hauler, but excluding, without limitation (a) Hazardous Waste, explosives and ordnance materials, pathological wastes, radioactive materials, lead acid batteries, sludges, highly inflammable substances, cesspool or other human wastes, human and animal remains, motor vehicles, farm or other large machinery, nonburnable construction materials and demolition debris and hazardous refuse of any type or kind including those addressed by regulations adopted by the United States Environmental Protection Agency ("EPA") pursuant to the Resource Conservation and Recovery Act of 1976, as amended, or other federal or state statutes, such as, but not limited to, cleaning fluids, hazardous paints, acids, caustics, poisons, radioactive materials, fine powdery earth used to filter cleaning fluid, and refuse of similar nature; (b) any item of waste exceeding six feet in any one of its dimensions or being in whole or in part a solid mass, the solid mass portion of which has dimensions such that a sphere with a diameter of eight inches could be contained within such solid mass portion; (c) all large household appliances, commonly referred to as "white goods" including, without limitation, refrigerators, stoves, washing machines, drying machines, water heaters, and the like; (d) any controlled substances regulated under the Controlled Substances Act, 21 USC 801 et seq., or any equivalent state law; (e) small appliances containing chlorofluorocarbons (CFCs) including, without limitation, air conditioners, water coolers, and dehumidifiers; and (f) all other items of waste which Company reasonably believes would be likely to pose a threat to health or safety or the acceptance and disposal of which may cause damage to the Facility or be in violation of any judicial decision, order, action, permit, authorization, license, approval or registration of any federal, state or local government or any agency thereof, or any other regulatory authority or applicable law or regulations.

In addition, the parties recognize that some substances which are not, as of the date of this Agreement, considered harmful or of a toxic nature or dangerous, may be determined by the EPA or any other federal, state, or local agency subsequent to the date hereof to be hazardous, toxic, dangerous, or harmful, and at the time of such determination, such substances shall cease to be Acceptable Waste.

2. **Manner of Delivery.** (a) Hauler shall deliver Acceptable Waste in a clean, orderly, and safe manner during scheduled delivery days and hours and in such manner that the Acceptable Waste will not be spilled or blown on the Facility site, or onto any adjacent roadways.

Should any waste be so spilled or blown, Hauler shall promptly, at its sole cost and expense, collect and remove such spilled or blown waste and, if Hauler fails to do so, Hauler shall be liable to Company for all costs of such clean-up by Company. Company may inspect the contents of any vehicle delivering waste to the Facility and may require Hauler, if it delivers to the Facility Unacceptable Waste (as defined herein) or Hazardous Waste (as defined herein) to separate all Unacceptable Waste or Hazardous Waste from Acceptable Waste. If such separation is impractical, Company may refuse the entire load. Hauler agrees to adhere to Company safety rules and regulations at all times while on the Facility premises as specified in Attachment D attached and made a part hereto. Hauler shall cause the Hauler's Declaration in the form attached hereto as Attachment A to be executed by its authorized representative prior to delivering any Acceptable Waste to the Facility.

(b) For purposes of this Agreement, (i) "Unacceptable Waste" means any waste other than Acceptable Waste and (ii) "Hazardous Waste" means (a) any waste identified as a hazardous waste in 40 CFR Part 261 or in any applicable state or local hazardous waste regulatory program; (b) any waste that is mixed with a listed Hazardous Waste as regulated in 40 CFR Part 261.3(a)(2)(iv) or any applicable state or local hazardous waste

regulatory program; (c) any waste containing polychlorinated biphenyls in concentrations that are subject to regulation under the federal Toxic Substances Control Act; (d) any waste containing radioactivity at levels that are subject to regulation under federal, state, or local law; or (e) any other waste that is regulated as a hazardous waste by any applicable federal, state, or local statutory or common laws, regulations, rules, or ordinances.

3. **Removal of Waste.** Hauler shall immediately and without delay remove from the Facility at its sole cost and expense and in compliance with all applicable laws any waste rejected by Company. Hauler shall, in the event Company is required to segregate such waste, remove it from the Facility, and dispose of such waste, pay Company upon demand for any costs and expenses incurred by Company for such segregation, removal, and disposal.

4. **Facility Access.** Company shall have the right to designate certain routes to be used by Hauler to deliver Acceptable Waste to the Facility. Hauler agrees to utilize only those designated routes that Company determines to constitute reasonable direct access to the Facility. Company will take whatever action is necessary to ensure compliance with the above directives, including, without limitation, barring the offending truck from the Facility or termination of this Agreement.

5. **Delivery Vehicles.** Hauler shall cause all vehicles used for deliveries of Acceptable Waste to the Facility to be self-emptying, in safe and clean condition, in good repair, and in compliance with all applicable requirements of the Department of Transportation. At Company's discretion, Hauler shall use only vehicles with the capability of dumping directly into the Facility's refuse pit.

6. **Weighing Procedures.** Company may utilize and maintain motor truck scales to weigh all vehicles delivering Acceptable Waste to the Facility. Waste vehicles delivering Acceptable Waste to the Facility shall have the name of Hauler and truck number permanently indicated and conspicuously displayed in a location approved by Company. Each incoming waste vehicle shall be weighed, indicating gross weight, time, Hauler, and truck identification number on a weight record. Each vehicle will also be weighed after unloading or a tare weight will be used at the sole discretion of Company.

7. **Refusal of Delivery.** Company shall have the right, in its sole discretion, to refuse deliveries of:

- (a) Waste other than Acceptable Waste.
- (b) Any waste delivered at other than the then established receiving hours as posted by Company.
- (c) Any other Acceptable Waste which Company is unable to accept or process for whatever reason.

8. **Tipping Fee and Payment.**

(a) Hauler shall deliver, and Company shall accept, in each year during the term hereof, the number of tons of Acceptable Waste listed on Attachment C for such year. Hauler agrees to pay Company the tip fee per ton ("short ton" of 2000 pounds) of Acceptable Waste delivered to the Facility set forth on Attachment C. A minimum charge for one ton of delivered waste shall be charged on each delivery weighing less than one ton.

(b) Company will invoice Hauler monthly. All payments for the preceding month shall be due and payable within thirty-five (35) days after the date on the invoice. Payments should be made to:

Regular Mail:

PNC Bank
c/o Wheelabrator Technologies, Inc.
PO Box 842226
Boston, Ma. 02284-2226

Wiring Instructions:
Bank name: PNC Bank

Bank ABA #: 031207607
Account Name: Wheelabrator Technologies, Inc.
Account #: 8026321183
Account Type: Checking
Reference: Plant name, Invoice #, Customer Account #/##s

Company may assess a monthly late fee of 1.0% of any unpaid amount of an invoice accruing from the due date of the invoice, with a minimum monthly charge of \$5.00, or such late fee allowable under applicable law or regulation.

The Company offers early payment discounts of 1% net ten (10) days.

9. Term. The term of this Agreement shall begin on October 1, 2016 and continue through September 30, 2019. Company may terminate this Agreement (a) upon 10 days notice to Hauler; or (b) immediately upon notice to Hauler for failure by Hauler to pay the tipping fee set forth in Section 8 or failure by Hauler to comply with any of its other obligations hereunder. Hauler's obligation to pay any sum of money due on or prior to the termination or expiration date of this Agreement shall survive the termination or expiration of this Agreement.

10. Indemnity. Hauler hereby agrees, to the maximum extent allowable by law, specifically Florida Statute section 768.28, to indemnify, hold harmless and defend Company, its affiliates, and their respective members, directors, employees, officers and agents, from and against any and all damages, penalties, costs, claims, demands, suits, causes of action and expenses (including attorneys' fees) which may be imposed upon or incurred by Company as a result of (a) personal injury (including death) or property damage to any party, including to the person or property of employees of Hauler or Company, arising out of, resulting from or in any way connected with Hauler's use of the Facility or entrance upon the Facility premises, including those arising out of any negligent or willful act or omissions of Hauler or its employees, agents or contractors; provided, however, the obligations of this section shall not extend to any such matters arising from the sole negligence of Company; (b) breach or violation by Hauler of any of its obligations, covenants, or undertakings herein; (c) breach or violation by Hauler of any federal, state, or local environmental laws or regulations in the performance of its obligations under this Agreement; or (d) any act or omission of Hauler under this Agreement that may result in any liability for Company under any federal, state, or local environmental laws or regulations, including, without limitation, any liability arising from the federal Comprehensive Environmental Response, Compensation and Liability Act, as amended, and any similar state laws. The obligations in Section 10 hereof shall survive the termination or expiration of this Agreement.

11. Insurance. Hauler shall at all times during this Agreement maintain in full force and effect the insurance coverages set forth in Attachment B which is attached and made a part hereof, and all other insurance as may be required by applicable state law. Hauler agrees to comply with all terms and conditions set forth on Attachment B.

12. Surety Bond. If requested, Hauler shall provide a corporate surety bond as security for the performance of services under this Agreement from such surety company and in such amount to be agreed to by Company and Hauler.

13. Applicable Law. The law of the state of Florida shall govern the validity, interpretation, construction, and performance of these terms and conditions.

14. Compliance with Laws. Hauler shall comply with all federal, state and local regulations and administrative positions. Hauler has, and will renew, all permits, licenses or permissions of governmental authorities necessary in connection with the performance of its obligations hereunder.

15. Assignment. Hauler shall not assign this Agreement or any rights hereunder without written notice to and

the consent of Company. Any purported assignment by Hauler contrary to this provision shall be null and void. Subject to the foregoing, this Agreement shall be binding upon and inure to the benefit of the parties hereto and their permitted successors and assigns.

16. Entire Agreement. This Agreement supersedes all earlier letters, conversations, purchase orders, proposals, memorandums, and other written and oral communications with respect to the subject matter hereof as of the date hereof, and it contains all the terms agreed on by the parties, and no changes in, additions to, or subtractions from, this Agreement will be binding on the parties unless in writing and signed by Hauler and Company.

17. Severability. If any term or provision of this Agreement or the application thereof to any circumstance shall be invalid or unenforceable the remainder of this Agreement or the application thereof to any circumstance other than that to which it is invalid or unenforceable shall not be effected thereby.

18. Notices. All notices hereunder shall be in writing with notice deemed to be given upon receipt, addressed as follows:

If to Hauler: Town of Golden Beach
1 Golden Beach Drive
Golden Beach, FL 33160
Attn: Maria Camacho, Direct of Finance
Alexander Diaz, Town Manager

If to Company: Wheelabrator South Broward, Inc.
c/o Wheelabrator Technologies Inc.
100 Arboretum Drive
Suite 310
Portsmouth, NH 03801
Attn: General Counsel

With a copy to: Same: Attention Fuel Sourcing VP

Changes in the respective addresses to which such notices shall be sent may be made from time to time by either party by notice to the other party. Notice given otherwise than by mailing shall be effective when received.

19. Public Records. Company shall comply with Florida's public records law, specifically Company shall: (1) Keep and maintain public records required by the Hauler to perform the service; (2) upon request from the Hauler's custodian of public records, provide the Hauler with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in chapter 119, Florida Statutes or as otherwise provided by law; (3) ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the Company does not transfer the records to the Hauler; and (4) upon completion of the contract, transfer, at no cost, to the Hauler all public records in possession of the Company or keep and maintain public records required by the Hauler to perform the service. If the Company transfers all public records to the Hauler upon completion of the contract, the Company shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Company keeps and maintains public records upon completion of the contract, the Company shall meet all applicable requirements for retaining public records. All records stored

electronically must be provided to the Hauler, upon request from the Hauler's custodian of public records, in a format that is compatible with the information technology systems of the Hauler.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT TOWN OF GOLDEN BEACH, TOWN CLERK, 1 GOLDEN BEACH DRIVE, GOLDEN BEACH, FL 33160, TELEPHONE: 305-932-0744 EXT. 238, LPEREZ@GOLDENBEACH.US.

WITNESS the execution hereof as an instrument under seal as of the date first above written.

By: _____
Bruce Stanas
Corporate Vice President-Fuel Sourcing

By: _____
Alexander Diaz
Town Manager, Town of Golden Beach

**ATTACHMENT A
HAULER'S DECLARATION**

As the duly authorized and designated representative of the Town of Golden Beach, Florida (“Hauler”), I hereby certify for and on behalf of Hauler that:

1. Hauler has been advised and instructed by Wheelabrator Technologies, Inc. and/or its affiliate Wheelabrator South Broward, Inc. (“Company”) concerning working conditions, including potential hazards and specified rules as described in:

FM-OPS-COR-410-1 Tipping Floor Rules and Procedures for Haulers and Drivers.

2. Hauler acknowledges that it has read the above mentioned policy and has communicated this policy to all employees that will deliver to Wheelabrator sites.
3. List a contact person and phone number for the representative of Hauler to whom additional safety and health information can be provided, if needed.

Name: Alexander Diaz, Town Manager
Telephone Number: 305-932-074

Company Name: Town of Golden Beach

Signature: _____

Printed Name: _____

Title: _____

Date: _____

ATTACHMENT B**INSURANCE**

During the term of this Agreement, Hauler shall keep in force the following minimum insurance coverages on an occurrence basis with insurance companies rated "B+" or better by A.M. Best rating service:

<u>Coverages</u>	<u>Limits of Liability</u>	
Comprehensive General Liability Insurance, including contractual and products/completed operations	Per Occurrence	\$1,000,000
	General Aggregate	\$2,000,000
Comprehensive Automobile Liability Insurance, including non-owned and hired vehicle coverage	For bodily injury and property damage	
	Per Occurrence	\$1,000,000
Comprehensive Excess Umbrella	Per Occurrence	\$4,000,000
Workers' Compensation Insurance	Statutory	
Employers' Liability Insurance	Per Occurrence	\$1,000,000

The comprehensive general liability insurance shall be specifically endorsed to provide coverage for the contractual liability accepted by Hauler in this Agreement.

Prior to disposing of any Acceptable Waste at the Facility, Hauler shall furnish Company certificates of insurance on standard ACORD forms or other evidence satisfactory to Company to the effect that such insurance has been procured and is in force. At least thirty (30) days prior to the expiration of any of the insurance policies required herein, Hauler shall furnish Company certificates of insurance on standard ACORD forms, in accordance with the terms hereof, evidencing the renewal of such insurance for a period equal to at least the earlier of (a) the expiration of the term of this Agreement and (b) one year from the date of expiration of the then current insurance policies.

The insurance policies required herein shall be endorsed with, and the certificates of insurance shall contain, the following language:

“Wheelabrator Environmental Systems Inc., and its affiliates are named as an additional insured with respect to the comprehensive general, excess umbrella, and automobile liability policies set forth herein. A waiver of the underwriter’s rights of subrogation applies in favor of Wheelabrator Environmental Systems Inc., and its affiliates as their interest may appear with respect to all policies described herein.”

ATTACHMENT C
ANNUAL TONS AND
TIP FEE PER TON

Year	Annual Tons	Tip Fee per Ton
10/1/2016-09/30/2017	Up to 1,200	\$60.51
10/1/2017-09/30/2018	Up to 1,200	\$62.34
10/1/2018-09/30/2019	Up to 1,200	\$64.21

In consideration of the tip fee per ton set forth above, Hauler shall deliver, and Company shall accept, in each year during the term hereof, the number of tons of Acceptable Waste listed above for such year (the "Annual Tons"). Hauler agrees to pay Company the tip fee per ton ("short ton" of 2000 pounds) of Acceptable Waste delivered to the Facility set forth in this Attachment C. A minimum charge for one ton of delivered waste shall be charged on each delivery weighing less than one ton.

Hauler acknowledges that Attachment C, above, is incorporated in the Waste Disposal Agreement, dated 10/1/2016.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: October 25, 2016

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz, *Alex B*
Town Manager

Subject: **Resolution No. 2467.16 – Approving a Proposal to Design the Upgrade of the Town’s Existing Street Lights from Stantec Consulting Services, Inc.**

Item Number:

5

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2467.16 as presented.

Background:

One of the elements that was excluded from the Town’s Capital Improvement Program was a comprehensive approach to a new Street Lighting plan for the Town. As you have directed the Administration to explore, we would like to commence the ground work for a Street Lighting Project.

Given that Stantec was the engineers who designed our street scape, (and their recent involvement with Key Biscayne’s successful street lighting project) I am recommending that we have them serve as our project engineers.

We plan on holding meetings with each Councilmember to learn your lighting concerns and have a plan for your consideration in the next 90-120 days.

Fiscal Impact:

\$51,256.00

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2467.16

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA APPROVING A PROPOSAL FOR PROFESSIONAL ENGINEERING SERVICES FROM STANTEC CONSULTING SERVICES, INC. TO DESIGN THE UPGRADE OF THE TOWN'S EXISTING STREET LIGHTS; PROVIDING FOR A WAIVER OF BIDDING PROCEDURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Golden Beach, Florida (the "Town") desires to upgrade existing street lights on all Town-owned and maintained streets, excluding A1A; and

WHEREAS, the Town Council finds that compliance with the bid procedures set forth in the Town's Code of Ordinances (the "Town Code") is impractical and not in the best interest of the Town; and

WHEREAS, the Town Council has determined that the proposal submitted by Stantec Consulting Services, Inc., attached hereto as Exhibit "A," (the "Proposal") to design the upgrade of the Town's existing street lights is acceptable and will well serve the needs of the Town.

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

Section 1. Recitals Adopted. Each of the above-stated recitals are hereby adopted and confirmed.

Section 2. Proposal Approved. The Town Council hereby approves the Proposal.

Section 3. Waiver of Competitive Bidding. The Town Council finds that compliance with the bid procedures within the Town Code is impractical and hereby waives such procedures in accordance with Section 2-275 of the Town Code.

Section 4. Implementation. The Town Mayor and Town Manager are directed to take all steps reasonably necessary to implement this Resolution.

Section 5. Authorization. The Town Manager is authorized to negotiate and execute a professional services agreement consistent with the terms of this Resolution, subject to the approval of the Town Attorney as to form, content, and legality.

Section 6. Effective Date. This Resolution shall be effective immediately upon adoption.

The Motion to adopt the foregoing Resolution was offered by _____,
seconded by _____, and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Kenneth Bernstein	_____
Councilmember Judy Lusskin	_____
Councilmember Bernard Einstein	_____
Councilmember Amy Isackson-Rojas	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,
Florida this 25th day of October, 2016.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY



Ponce de Leon Boulevard, Suite 900
Coral Gables, Florida 33134
Tel: (305) 445-2900

October 11, 2016

TO: Town of Golden Beach
1 Golden Beach Drive
Golden Beach, FL

ATTENTION: Alexander Diaz
Town Manager

Dear Mr. Diaz,

We are pleased to present this proposal for professional engineering services. Below is our understanding of the required scope of services. We look forward to receiving authorization and commencing work.

Scope of Project:

The Town would like to upgrade all existing street lighting within the Town including Golden Beach Drive, North and South Parkways, and each of the Three Islands. A1A is not included. The overall proposed budget for the project is in the range of \$1.2 Million. The target date for construction to begin is February/March 2017. The current system utilizes FPL owned and maintained poles. It is our understanding that the new system will not be metered and will utilize non-FPL type poles and fixtures. It is anticipated that approximately 311 existing poles will be replaced and another 50 poles may be added to eliminate dark areas. PVC Conduit and wiring was replaced during the Town-wide CIP work in 2011 and it is the intent to utilize as much existing infrastructure as possible. The Town would like lower poles, staggered layout, meant to light both the sidewalk and east portion of the road. Tree canopy shall be avoided. No new electrical meters are desired and soft yellow light is preferred. The scope will include a decorative fixture, pole, and a simple base cover with a small concrete pad for better definition. Lighting plans will be developed using previous AutoCAD files as a base. No new surveying will be conducted.

The project includes all Town owned/maintained streets (A1A not included) with approximate total lengths as follows:

- Golden Beach Drive 6,600'
- Terracina 1,000'
- Massini 500'
- South Parkway 1,200'
- North Parkway 1,200'
- South Island & Verona Avenue 1,400'
- Center Island & The Strand 1,400'
- North Island & Navona 1,400'



Scope of Services:

Preliminary Design Phase

For this phase we will complete the following task for one typical section of Golden Beach Drive, limited to 1,500 linear feet. The exact area of the typical section will be approved by the Town prior to commencing work.

- Complete an assessment of existing lighting system including pole locations and night time light level measurements
- Establish lighting criteria and light level requirements consistent with local codes.
- Provide light pole layout with additional poles in dark areas noted during night time assessment.
- Coordinate with FPL to determine options available regarding poles/fixtures, service availability, and maintenance.
- Coordinate with lighting representative to assist the Town with selection of decorative pole, fixture, and base. The Town would like 3 mock up/samples to be provided (by others) for final selection.
- Review as-builts to confirm where existing conduit was placed and wire sizes used.
- Provide preliminary lighting plans/photometrics with estimate of probable costs. The estimate can be used to project the total cost for all Town streets on a linear foot basis.
- Attend up to two (2) meetings with the Town and up to two (2) Town Council meetings.

Final Design Phase

During the final design phase, we will complete the design and photometric plan for Town owned roadways noted above. Final design will be based on our findings during preliminary design as approved by the Town. The construction documents will include general notes, specifications, details, and plan view. All specifications will be provided on the plans (no CSI format included).

Please note: Bidding assistance, permitting, and construction assistance are not included in our scope. A proposal for these services can be provided at the request of the Town.

TERMS AND CONDITIONS:

All terms and conditions shall be per the attached Professional Services Terms and Conditions. Our fees for the above services shall be per the following lump sum fee schedule:

Preliminary Design Phase	\$22,952
Final Design Phase.....	\$28,304
	Total: \$51,256



October 11, 2016
Page 3 of 3

We are ready to begin working on this assignment upon your authorization to proceed. If acceptable to you, we will accept a signed copy of this proposal as your written authorization to proceed.

Thank You.

Stantec Consulting Services Inc.

A handwritten signature in cursive script that reads "Sean Compel".

Sean Compel, P.E., LEED AP
Senior Associate
Telephone 305-445-2900
sean.compel@stantec.com

The Town of Golden Beach

Approved by:

Signature

Date

Print Name

Title

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