

**TOWN OF GOLDEN BEACH, FLORIDA**

**ORDINANCE NO. 556.13**

**AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66, "ZONING"; ARTICLE I "IN GENERAL" AND ARTICLE III "DISTRICT REGULATIONS", TO PROVIDE FOR AMENDED DEFINITIONS, AND TO CLARIFY PERMITTED AND PROHIBITED USES IN THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town is incorporated as a residential community; and

**WHEREAS**, the Charter of the Town of Golden Beach at Section 1.02(c)(3) prohibits the Town Council from permitting any use of any land within the Town for any purpose other than for single family residential use; Town of Golden Beach governmental purposes; and social and athletic nonprofit clubs and organizations that are operated for the benefit and use of residents of the Town on public property designated for this purpose; and

**WHEREAS**, Chapter 66 of the Town Code of Ordinances, Zoning, Section 66-67 zones all parcels of land within the corporate limits of the Town as: (1) Single-Family Residential [SF]; (2) Governmental or community facilities [CF]; or (3) Social and athletic or public recreation [R-2]; and

**WHEREAS**, Chapter 66 of the Town Code of Ordinances, Zoning, Section 66-62 requires that all lots and parcels of land within the corporate limits of the Town shall be used in accordance with the zoning districts set forth in Section 66-67 and for no other purpose; and

**WHEREAS**, the Town desires to clarify the uses permitted and prohibited in the Single-Family Residential Zoning District; and

**WHEREAS**, the proposed amendments to Chapter 66 were reviewed by the Town Council on June 24, 2013 and direction was provided to the Town Manager and Building Official; and

**WHEREAS**, the Town Manager and Building Official has prepared the proposed text amendments; and

**WHEREAS**, the Town Council meeting as the Local Planning Agency considered this matter on September 18, 2013 and recommended adoption of this ordinance to the Town Council; and

**WHEREAS**, after careful consideration of this matter, the Town Council has determined that it is in the best interests of the Town to approve the text amendments to Chapter 66, Zoning.

**NOW, THEREFORE, BE IT ORDAINED 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, confirmed and incorporated herein.

**Section 2. Amendment.** Chapter 66 of the Town Code is amended by making modifications to Article I, in the following particulars:<sup>1</sup>

ARTICLE I. IN GENERAL.

Sec. 66-1 – Definitions

\* \* \*

**Family shall mean 1 person or a group of 2 or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, or a group of persons**

---

<sup>1</sup> Changes between first and second reading are indicated with **highlight**, with additions between first and second reading shown in **double underline**. Deletions between first and second reading are shown in **double strikethrough**.

not more than 3 in number who are not so interrelated, occupying the whole or part of a dwelling as a separate housekeeping unit with a single set of culinary facilities. The persons thus constituting a family may also include gratuitous guests and domestic servants. Any person under the age of 18 years whose legal custody has been awarded to the state Department of Health and Rehabilitative Services or to a child-placing agency licensed by the Department, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this chapter. Nothing herein shall be construed to include any roomer or boarder as a member of a family.

\* \* \*

Single-Family or Single-Family Residential **Dwelling** means a private residential structure used or designated to be used as a home or residence in which all living rooms are accessible to each other from within the building and in which the use and management of all sleeping quarters, all appliances for cooking, ventilating, heating or lighting are under one control, and which shall be occupied exclusively by one family ~~related by consanguinity, adoption, twinning or marriage.~~

\* \* \*

**Section 3. Amendment.** Chapter 66 of the Town Code is amended by making modifications to Article III, in the following particulars:

ARTICLE III. DISTRICT REGULATIONS.

\* \* \*

Sec. 66-67 - Zoning Districts

\* \* \*

(b) Single-Family Residential District. Within the SF district, the following uses are permitted:

(i) Single-Family Residential Dwellings. All property within the SF district shall be used for the principal purpose of single-family residential dwellings occupied by individual families.

(ii) Accessory Uses. Additionally, a family may use an improved property for accessory social and recreational activities customarily associated with single family residential use within the Town, including swimming and boating.

(iii) Prohibited uses. Except as provided in Section 66-91 governing Residential Transient Use and Section 15-10 governing Filming, no business, professional or other commercial uses are permitted from or within any SF district. No person may use any property within the SF district as a venue for any event, party, other commercial or promotional activity where a fee is charged for entry or any type of compensation is directly or indirectly given to the property owner for the use of the property, nor may any person hold any third party promotional event (other than a traditional, daytime open house) at the property for the purpose of advertising or otherwise exposing the property for sale. This prohibition shall not limit the right of any homeowner to host a non-commercial fundraising event customarily conducted from single family dwellings within the Town, where no entry fee is charged and no compensation directly or indirectly is paid to the homeowner for the use of the property.

(b) (c) The Future Land Use/Transportation Map adopted by Ordinance 368-88, as amended, shall constitute the Land Use and Zoning Map of the Town until adoption of an official zoning map pursuant thereto.

**Section 4. Implementation.** The Town Clerk and Town Manager are hereby authorized to take any and all action necessary to implement this Ordinance and make it part of the Town Code including re-numbering or re-lettering the code references and ordering.

**Section 5. Severability.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**Section 6. Conflicts.** To the extent that this Ordinance conflicts wholly or partially with any existing provision in the Town Code, the terms of this Ordinance shall prevail.

**Section 7. Effective Date.** This Ordinance shall be effective immediately upon adoption.

Sponsored by the **Town Administration.**

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

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

**PASSED AND ADOPTED** on first reading this 24<sup>th</sup> day of June, 2013.

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

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


**PASSED AND ADOPTED** on second reading this 15<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
MAYOR GLENN SINGER

ATTEST:

  
\_\_\_\_\_  
LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
STEPHEN J. HELFMAN  
TOWN ATTORNEY