



TOWN OF GOLDEN BEACH

**One Golden Beach Drive
Golden Beach, FL 33160**

**Official Agenda for the April 25, 2017
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

TEACH FOR AMERICA PRESENTATION

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

K. ORDINANCES – SECOND READING

None

L. ORDINANCES - FIRST READING

- 1. An Ordinance of the Town Council Amending the Town's Code to Address Land Filling and Land Disturbing Activities.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE VI "SOIL EROSION, FUGITIVE DUST AND SEDIMENT CONTROL," OF CHAPTER 14, "ENVIRONMENT," TO ADDRESS LAND FILLING AND LAND DISTURBING ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR

CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 572.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 572.17

2. An Ordinance of the Town Council Amending the Town's Code To Revise Requirements for Undersized Lots.

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 BY DELETING ARTICLE II "DESIGN STANDARDS" OF CHAPTER 58 AND INCORPORATING THOSE PROVISIONS INTO RELEVANT SECTIONS OF CHAPTER 66; AMENDING CHAPTER 66 "ZONING" TO REVISE REQUIREMENTS FOR UNDERSIZED LOTS AND REVISE AND REORGANIZE DISTRICT REGULATIONS INCLUDING SETBACKS, LOT RESTRICTIONS, ENCROACHMENTS AND ADOPT NEW COMPREHENSIVE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Ordinance No. 573.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 573.17

M. QUASI JUDICIAL RESOLUTIONS

None

N. CONSENT AGENDA

3. Official Minutes of the February 28th, 2017 Special Town Council Meeting
4. Official Minutes of the March 21st, 2017 Regular Town Council Meeting
5. A Resolution of the Town Council Supporting the Miami-Dade Transportation Planning Organization's ("TPO") Transit Expansion Plan.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, SUPPORTING THE MIAMI-DADE TRANSPORTATION PLANNING ORGANIZATION'S ("TPO") TRANSIT EXPANSION THROUGH THE STRATEGIC MIAMI AREA RAPID TRANSIT ("SMART") PLAN, PRIORITIING THE NORTHEAST CORRIDOR AND URGING THE TPO AND MIAMI-DADE COUNTY TO PURSUE CREATIVE FUNDING SOLUTIONS TO IMPLEMENT THE SMART PLAN; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 5
Resolution No. 2494.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2494.17

O. TOWN RESOLUTIONS

6. A Resolution of the Town Council Authorizing the Use of Law Enforcement Trust Fund Monies to Provide Police Training.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF LAW ENFORCEMENT TRUST FUND ("LETF") MONIES TO PROVIDE TRAINING FOR THE POLICE DEPARTMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 6
Resolution No. 2495.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2495.17

P. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Judy Lusskin:
None Requested

Councilmember Kenneth Bernstein:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Jaime Mendal:

- Bike Share Lane on A1A/Ocean Boulevard
- Golden Beach/Hallandale Beach Police Procedures

Town Manager Alexander Diaz:

None Requested

Q. 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: April 25, 2017

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

A handwritten signature in blue ink that reads "Alex B." with a circled "B".

Subject: Ordinance No. 572.17 – Amending Code, Article VI “Soil
Erosion, Fugitive Dust and Sediment Control,” to Address
Land Filling and Land Disturbing Activities

Item Number:

1

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 572.17 as presented.

Background:

As we have been discussing during the last few months the attached Ordinance begins to align our Building Development guidelines to better serve our community. This particular Ordinance addresses changes in the soil erosion and other site material issues.

Fiscal Impact:

None.

THE TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 572.17

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE VI "SOIL EROSION, FUGITIVE DUST AND SEDIMENT CONTROL," OF CHAPTER 14, "ENVIRONMENT," TO ADDRESS LAND FILLING AND LAND DISTURBING ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, the Town Council periodically studies land development trends
2 and issues and amends the Town's Land Development Regulations accordingly;
3 and

4 **WHEREAS**, the Town Council has studied the current Code provisions of the
5 Town and finds that certain modifications are necessary and desirable to further
6 regulate the dumping of soil / fill on lots prior to development; and

7 **WHEREAS**, the Town Council held a duly advertised public meeting to
8 consider the proposed modifications to the Town's Land Development Regulations.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF**
10 **GOLDEN BEACH, FLORIDA:**

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

13 **Section 2.** That Chapter 58 “Development Standards,” Article VI, “Soil
14 Erosion, Fugitive Dust And Sediment Control,” is hereby amended as follows¹:

15 **CHAPTER 14**
16
17 **ENVIRONMENT**

18
19 * * *

20
21 **ARTICLE VI. SOIL EROSION, FUGITIVE DUST AND SEDIMENT CONTROL**

22
23
24 **Sec. 14-135. – ~~Purpose and intent~~ Intent.**

- 25
26 (a) Land Disturbing Activities can cause excessive runoff and accelerate the
27 process of soil erosion, resulting in the damage and loss of natural resources,
28 including the degradation of water quality. Such activities can also detract
29 from property values and the high-quality appearance in the Town’s
30 residential neighborhoods.
31
32 (b) In addition, emissions of particulate matter during construction and
33 demolition, including but not limited to incidents caused by vehicular
34 movement, transportation of materials, construction, alteration, demolition
35 and wrecking of buildings or structures, or the stockpiling of particulate
36 substances, may trespass on neighboring properties and degrade air quality.
37
38 (c) The Town finds that:
39
40 (1) Excessive quantities of soil may erode from areas undergoing
41 development due to Land Disturbing Activity.
42
43 (2) Soil erosion can result in the degradation of valuable shoreline resources,
44 such as Dunes and lagoonal shoreline communities.
45
46 (3) Sediment from soil erosion can clog storm sewers and swales, and silt
47 navigational channels.
48
49 (4) Sediment and Sediment- Related Pollutants degrade ecosystems,
50 resulting in the destruction of aquatic life and degradation of water quality.
51
52 (5) Airborne Sediments can constitute a nuisance for adjacent property
53 Owners, and degrade the quality of the air.
54

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~striketrough~~.

55 (6) The indiscriminant dumping, piling or filling of soil or other materials on
56 vacant properties when no development is imminent (no active site plan
57 application) or development permit has been issued can create eyesores,
58 environments for rodents, and possible damage to nearby properties due
59 to erosion or windblown matter.
60

61
62 **Sec. 14-136. – Purpose.**

63
64 The purpose of this article is to safeguard Persons, safeguard community
65 appearance and property values, protect property, prevent damage to the
66 environment, and promote the public welfare by guiding, regulating and
67 controlling the design, construction, use and maintenance of any
68 development or other activity which disturbs or otherwise results in the
69 movement on earth of land situated in the Town.
70

71 **Sec. 14-137. – Definitions.**

72
73 The following words, terms and phrases, when used in this article, shall have
74 the meanings ascribed to them in this article, except where the context clearly
75 indicates a different meaning:

76
77 *Director* means the Town Manager or designee.

78
79 *Dune* means a hill or ridge of windblown sand and marine deposits formed
80 by action of the wind and water, often stabilized by vegetation indigenous to
81 this formation.
82

83 *Erosion and Sediment Control Plan* means a plan for the control of soil
84 erosion, sedimentation of waters and Sediment-Related Pollutants and
85 Stormwater runoff resulting from land Disturbing Activity.

86
87 *Land Disturbing Activity* means any land change that may result in soil
88 erosion from water or wind and the movement of Sediments and Sediment-
89 Related Pollutants in water, including but not limited to clearing, grading,
90 excavating, transporting and filling of land, and tree removals.

91
92 *Sediment* means the mineral or organic particulate material that is in
93 suspension or has settled in Surface Waters or groundwater.

94
95 *Sediment-Related Pollutants* means substances such as nutrients,
96 pesticides, pathogens, and organic materials that are transmitted with, or in
97 association with, Sediment.

98
99 *Surface Waters* means water above the surface of the ground whether or not
100 flowing through definite channels.

101
102 **Sec. 14-138. – Erosion and Sediment Control Plan and standards.**
103

104 No person shall engage in Land Disturbing Activity until an Erosion and
105 Sediment Control Plan has been submitted and the plan has been approved
106 by the Director. The Erosion and Sediment Control Plan shall comply with the
107 erosion control standards provide in the latest edition of Florida Stormwater
108 Erosion and Sediment Control Inspector’s Manual published by the Florida
109 Department of Environmental Protection Nonpoint Source Management
110 Section as determined to be applicable by the Director at the time of the
111 application. The Director shall require the party responsible for carrying out
112 the Erosion and Sediment Control Plan to submit monitoring reports, as
113 deemed necessary, to determine whether the measures required by the
114 approved Erosion and Sediment Control Plan are being properly performed.
115

116 **Sec. 14-138.1 – Permit required prior to Land Disturbing Activity; Site**
117 **Restoration.**
118

119 (a) Permit Required. No fill materials shall be deposited upon or removed
120 from a property without obtaining a permit from the Town prior to the
121 activity. Fill material shall be suitable for the Town’s geographic location
122 and in no case shall include refuse, debris, junk, organic material or
123 garbage.

124 (b) Site Restoration. All land after filling, including spoil piles, shall be
125 contoured to prevent any water pooling, cleaned and properly treated with
126 topsoil, sprigged or sodded with a lawn grass commonly used in Miami-
127 Dade County, and maintained until growth is self-sustaining. If the
128 demolition site is beachfront property and the landscape architect
129 determines that portions of the site are not suitable for revegetation with
130 any of the lawn grasses commonly used in Miami-Dade County, then the
131 Town Manager or his/her designee may approve revegetation with plants
132 from the list provided in Section 50-11(d)(2).
133

134 **Sec. 14-139. – Exemptions.**
135

136 Minor Land Disturbing Activities, such as home gardens and individual home
137 landscaping, repairs, maintenance work, and other related activities, shall be
138 exempt from the requirements of this article, provided that such activities do
139 not contribute to any on-site generated erosion, or degradation of lands or
140 water beyond the boundaries of the property involved.
141

142 **Sec. 14-140. – Enforcement.**
143

144 (a) Enforcement actions. The Director shall take such actions necessary,
145 including the issuance of notices and violations, the filing of court actions,
146 and/or referral of the matter to code compliance in accordance with

147 chapter 2 of this Code, to require fines and enforce compliance with the
148 provisions of this article and with any regulation or permit issued
149 hereunder.

150
151 (b) Stop work orders. In addition to other remedies for violation as provided
152 in this section, violation of this article shall constitute grounds for the
153 issuance of stop work order by the building official in accordance with the
154 provisions of the Florida Building Code.

155
156 * * *

157 **Section 3.** That if any section, paragraph, sentence or word of this
158 Ordinance or the application thereof to any person or circumstance is held invalid,
159 that the invalidity shall not affect the other sections, paragraphs, sentences, words
160 or application of this Ordinance.

161 **Section 4.** That it is the intention of the Town Council of Golden Beach, and
162 it is therefore ordained, that the provisions of the Ordinance shall become and be
163 made a part of the Town of Golden Beach Code of Ordinances, that sections of this
164 Ordinance may be re-numbered or re-lettered to accomplish such intentions, and
165 that the word "Ordinance" shall be changed to "Section" or other appropriate word.

166 **Section 5.** That all Ordinances, parts of Ordinances, Resolutions or parts of
167 Resolutions in conflict herewith be and the same are hereby repealed to the extent
168 of such conflict.

169 **Section 6.** That this Ordinance shall be in full force and take effect
170 immediately upon its passage and adoption.

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

173 Mayor Glenn Singer _____
174 Vice-Mayor Judy Lusskin _____
175 Councilmember Amy Isackson-Rojas _____

176 Councilmember Jaime Mendal _____
177 Councilmember Kenneth Bernstein _____

178
179
180 PASSED AND ADOPTED on first reading this 25th day of April, 2017.

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

183 Mayor Glenn Singer _____
184 Vice-Mayor Judy Luskin _____
185 Councilmember Amy Isackson-Rojas _____
186 Councilmember Jaime Mendal _____
187 Councilmember Kenneth Bernstein _____

188
189
190 **PASSED AND ADOPTED** on second reading this _____ day of May, 2017.

191

192 ATTEST:

193
194 _____
195 MAYOR GLENN SINGER

196
197 _____
198 LISSETTE PEREZ
199 TOWN CLERK

200
201
202 APPROVED AS TO FORM
203 AND LEGAL SUFFICIENCY:
204
205
206 _____
207 STEPHEN J. HELFMAN
208 TOWN ATTORNEY

209
210
211



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 25, 2017

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Item Number:

2

Subject: Ordinance No. 573.17 – Amending Code, Subpart B, “Land Development Regulations,” by Amending Chapters 58 and 66

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 573.17 as presented.

Background:

As we have been discussing during the last few months the attached Ordinance begins to align our Building Development guidelines to better serve our community. This Ordinance begins to address the guidelines for undersized lots and other re-development.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 573.17

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 BY DELETING ARTICLE II "DESIGN STANDARDS" OF CHAPTER 58 AND INCORPORATING THOSE PROVISIONS INTO RELEVANT SECTIONS OF CHAPTER 66; AMENDING CHAPTER 66 "ZONING" TO REVISE REQUIREMENTS FOR UNDERSIZED LOTS AND REVISE AND REORGANIZE DISTRICT REGULATIONS INCLUDING SETBACKS, LOT RESTRICTIONS, ENCROACHMENTS AND ADOPT NEW COMPREHENSIVE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

12 **WHEREAS**, the Town desires to provide setback and height regulations for
13 development of undersized lots to encourage development and redevelopment consistent
14 with the aesthetic goals and conditions of the Town; and

15 **WHEREAS**, the Town desires to reorganize the site development regulations,
16 such as height, setbacks, and lot size and coverage requirements in a consolidated user
17 friendly format; and

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

19 **WHEREAS**, the Town's Local Planning Agency has reviewed this Ordinance on
20 this _____ day of _____, 2017, and has determined that it is consistent with the
21 Town's Comprehensive Plan; and

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

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

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

31 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF**

32 **GOLDEN BEACH, FLORIDA¹:**

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

35 **Section 2.** That Chapter 58 “Development Standards,” Article II “Design
36 Standards,” is hereby deleted as follows:

37 ARTICLE II. – ~~Reserved.~~ **DESIGN STANDARDS**

38 ~~Sec. 58-31. – Intent and purpose.~~

39 ~~The specific and detailed provisions of this article regulating the Development of land~~
40 ~~are necessary to implement the Town's comprehensive plan. They are specifically~~
41 ~~required by the objectives and policies included in the Town's comprehensive plan in~~
42 ~~order to bring this chapter into consistency with the adopted plan.~~

43 ~~Sec. 58-32. – Rights-of-way.~~

44 ~~No right-of-way currently existing within the Town limits shall be vacated or~~
45 ~~abandoned so as to cause a reduction of its current width. The use of any right-of-way is~~
46 ~~limited to roadways, sanitary sewer and Potable Water lines, telephone and cable~~
47 ~~television cables, gas lines, other franchise utilities, sidewalks and bicycle paths as~~
48 ~~approved by the Town, and landscaping.~~

49 ~~Sec. 58-33. – Preservation of lot area.~~

50 ~~A minimum of 35 percent of the area of each lot, shall be maintained as pervious~~
51 ~~surface. The use of pervious pavers will be considered in the calculation to the extent the~~
52 ~~applicant provides credible evidence of the permeability of the surface. Pervious area~~
53 ~~calculations shall be provided by a State registered Architect, Engineer or Landscape~~
54 ~~Architect.~~

55 ~~Sec. 58-34. – Reserved.~~

56 ~~Sec. 58-35. – Reserved.~~

57 ~~Sec. 58-36. – Design of Driveways.~~

58 (a) ~~In addition to the garage requirement of sections 66-201 through 66-207, and design~~
59 ~~of Driveways as set forth in sections 66-221 through 66-225, each residence shall be~~
60 ~~required to provide one additional paved parking space on-site. The Driveway leading~~

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

61 to the garage may be utilized for this purpose. Each such parking space shall be a
62 minimum of nine feet in width and 20 feet in length.

63 (b) All applications for new or widened Driveways abutting State Road Number A1A shall
64 be required to receive a permit from Florida Department of Transportation District
65 Number 4 offices prior to receiving a permit for same from the Town.

66 ~~Sec. 58-37. Paint colors/permit.~~

67 (a) ~~Paint colors.~~ No exterior of any Structure may be painted, stained, or otherwise
68 colorized with a color(s) other than a color(s) that is the same or substantially similar
69 to a color within a paint palate established and approved by the Town Council. All
70 colors, including accent colors, must be complimentary and harmonious with other
71 materials and components, including roof tiles incorporated into the Structure. Any
72 variation from this standard shall be subject to the Town Building Official's prior
73 approval, or the Town's Building Regulation Advisory Board's approval on appeal of
74 the Building Official's decision.

75 (b) ~~Paint permit.~~ A Town paint permit shall be required prior to painting or repainting of
76 the exterior of any Structure.

77 ~~Sec. 58-38. Mailboxes.~~

78 (a) ~~Selection and location.~~ Each owner of a residence within Zone Two (as defined in
79 section 66-66 of the Town Code) of the Town shall be required to maintain a mailbox
80 and supporting post that has been selected by the Town Council. The mailbox and
81 supporting post shall be installed near the paved portion of the road surface fronting
82 each residence in a location, height, and manner determined by the Town Manager
83 or his designee.

84 (b) ~~Cost.~~ The Town shall pay for the initial purchase and cost of installing a mailbox and
85 supporting post for residences located within Zone Two. After such initial installation,
86 in the event a new mailbox or supporting post is requested or otherwise required, the
87 real property owner shall be responsible for all costs of such replacement and
88 installation by the Town.

89 (c) ~~Maintenance.~~ Each real property owner (in all zones of the Town) shall maintain his
90 or her mailbox and supporting post, if any, in good working condition, order and
91 appearance. Failure to comply with this section shall subject the owner to penalties
92 set forth in section 2-211 of this Code.

93 ~~Secs. 58-39 — 58-50. Reserved.~~

94

95 **Section 2.** That Chapter 66 “Zoning” of the Town of Golden Beach Land

96 Development Code is amended to read as follows:

97 **Chapter 66 - ZONING**

98

99 **ARTICLE I. - IN GENERAL**

100
101 **Sec. 66-00. - Intent and purpose.**

102 The specific and detailed provisions of this Chapter regulating the Development of
103 land are necessary to implement the Town's comprehensive plan. They are specifically
104 required by the objectives and policies included in the Town's comprehensive plan in
105 order to bring this chapter into consistency with the adopted plan.

106
107 **Section 66-1. – Definitions.**

108
109 The following words, terms and phrases, when used in this chapter, shall have the
110 meanings ascribed to them in this section, except where the context clearly indicates
111 a different meaning:

112
113 *Buildable Lot* means a lot that meets the requirements of this chapter,
114 particularly a lot of sufficient dimension and configuration to contain a single family
115 residence or other permitted structure meeting the minimum lot requirements of the
116 applicable zoning district.

117
118 *Common Ownership* means legal or beneficial title to two or more lots, or one
119 lot and a portion of an adjacent lot, by the same individual, firm, corporation or any
120 other legal entity.

121
122 *Construction* means the building of, or improvement to, any structure, or the
123 clearing, filling, or excavation of any land. It shall also mean any alterations in the
124 size of any existing structure. When appropriate to the context, Construction refers to
125 the act of Construction or the result of Construction.

126
127 ~~*Exempted Lot or Site* means any lot or Construction site constituting a platted~~
128 ~~undersized lot which on December 21, 1982, did not abut any other vacant lot, held~~
129 ~~under Common Ownership.~~

130
131 *Family* shall mean one person or a group of two or more persons living together
132 and interrelated by bonds of consanguinity, marriage or legal adoption, or a group of
133 persons not more than three in number who are not so interrelated, occupying the
134 whole or part of a dwelling as a separate housekeeping unit with a single set of
135 culinary facilities. The persons thus constituting a family may also include gratuitous
136 guests and domestic servants. Any person under the age of 18 years whose legal
137 custody has been awarded to the state Department of Health and Rehabilitative
138 Services or to a child-placing agency licensed by the Department, or who is otherwise
139 considered to be a foster child under the laws of the state, and who is placed in foster
140 care with a family, shall be deemed to be related to and a member of the family for
141 the purposes of this chapter. Nothing herein shall be construed to include any roomer
142 or boarder as a member of a family.

144 *Finished Metal* means any metal that has received a finish treatment during
145 manufacturing. i.e., copper, stainless steel, brass, silver, weathered steel, anodized
146 aluminum and related metal products.

147
148 *Frontage* means the length of the edge of the lot abutting the platted Street.
149 Rectangular lots shall be measured along a straight line abutting the Street between
150 lot lines. Trapezoidal lots, pie-shaped lots and triangular lots shall be measured along
151 a straight line drawn between points located on the side lot lines equally distant from
152 the front lot line and the rear lot line. If the front or rear lot lines are curved the midpoint
153 chord length, shall determine the width. Frontage of a corner lot shall be determined
154 by the Town. Corner lots on Golden Beach Drive, South Island, Center Island, North
155 Island and Ocean Boulevard shall have their frontage on those streets.

156
157 *Full Size Lot* means a lot with a minimum frontage of 75 feet, and a minimum
158 area of 11,250 square feet (based upon a minimum depth of 150 feet for a 75-foot
159 rectangular lot).

160 * * *

161
162
163 *Undersized Lot* means a lot with a minimum frontage of 50 feet and a minimum
164 lot area of 7,500 square feet but which is not a Full Size Lot.

165
166 **ARTICLE III. – District Regulations**

167 **Sec. 66-66. - Zone designations.**

168 (a) The Town is divided into three construction zones numbered "One," "Two" and
169 "Three" respectively. Zones shall comprise the following designated on the official
170 map of the Town of Golden Beach, copyright 1977, as prepared by M.E. Berry,
171 Surveyor, Hollywood, Florida:

(1)	Zone One	Blocks A, B, C, and D
(2)	Zone Two	Blocks 1, 2, 3, 4, 5 and 6
(3)	Zone Three	Blocks E, F, G, H, J, K, L, and M

172
173 (b) All Single-Family Residential land use and Construction shall comply with the
174 requirements of this Code of Ordinances applicable to lots within the designated
175 zones.

176 **Sec. 66-67. - Zoning districts.**

- 177 (a) All lots and parcels of land within the corporate limits of the Town are zoned in
 178 accordance with the comprehensive plan and the provision of Charter section
 179 1.02(a)(3) as either:
- 180 (1) Single-Family Residential [SF].
 181 (2) Governmental or community facilities [CF].
 182 (3) Social and athletic or public recreation [R-2].
- 183 (b) Single-Family Residential District. Within the SF district, the following uses are
 184 permitted:
- 185 (1) Single-Family Residential Dwellings. All property within the SF district shall be
 186 used for the principal purpose of single-family residential dwellings occupied by
 187 individual families.
- 188 (2) Accessory Uses. Additionally, a family may use an improved property for
 189 accessory social and recreational activities customarily associated with single-
 190 family residential use within the Town, including swimming and boating.
- 191 (3) Prohibited Uses. Except as provided in Section 66-91 governing Residential
 192 Transient Use and Section 15-10 governing Filming, no business, professional or
 193 other commercial uses are permitted from or within any SF district. No person
 194 may use any property within the SF district as a venue for any event, party, other
 195 commercial or promotional activity where a fee is charged for entry or any type
 196 of compensation is directly or indirectly given to the property owner for the use of
 197 the property, nor may any person hold any third party promotional event (other
 198 than a traditional, daytime open house) at the property for the purpose of
 199 advertising or otherwise exposing the property for sale. This prohibition shall not
 200 limit the right of any homeowner to host a non-commercial fundraising event
 201 customarily conducted from single-family dwellings within the Town, where no
 202 entry fee is charged and no compensation directly or indirectly is provided ~~paid~~ to
 203 the homeowner for the use of the property.
- 204 (c) The Future Land Use/Transportation Map adopted by Ordinance 368-88, as
 205 amended, shall constitute the Land Use and Zoning Map of the Town until adoption
 206 of an official zoning map pursuant thereto.

207 Sec. 66-68. - ~~Full-Size Lot size requirements restriction.~~

208 (a) Full size lot requirement. No building may be erected, constructed, or substantially
 209 improved in the Town unless it shall be erected, constructed, or substantially
 210 improved upon at least one full size lot except as otherwise herein provided. (See
 211 definition of full size lot.)

212 (b) Lot joinder.

213 a. An Owner may join abutting lots or parcels of land to create a full size lot of at
 214 least 75 feet of Frontage and 11,250 square feet or larger. Prior to the issuance
 215 of any building permit, the total parcel, consisting of 75 feet of Frontage and a lot
 216 size of 11,250 square feet or larger, shall be of Common Ownership and the

217 Owner thereof shall replat, file a unity of title, or obtain a waiver of plat in
218 accordance with this Code and the ordinances of the Town.

219 b. In cases of new Construction or Substantial Improvements, when the proposed
220 work encompasses two or more lots, a Unity of Title in a form approved by the
221 Town, shall be submitted to the Town for approval and after approval recorded in
222 the Public Records of Dade County at Owner's expense.

223 (c) Lots other than full-size.

224 (1) All vacant Unimproved Lots or parcels of land of less than 75 feet of Frontage
225 but with a minimum of 50 feet of Frontage, and a minimum area of 7,500 square
226 feet, may be developed pursuant to the requirements for "Undersized Lots" in
227 this Chapter.

228 (2) Any vacant lot, which is not a full size lot, which was, on December 21, 1982
229 abutting other vacant unimproved real property, shall be developed together with
230 the adjacent lot and the Owner thereof shall replat, file a unity of title, or obtain a
231 waiver of plat in accordance with this Code and the ordinances of the Town. If
232 such joinder does not create a full size lot, but does have a minimum of 50 feet
233 of Frontage and a minimum area of 7,500 square feet, the resulting lot may be
234 developed as provided in this chapter for an Undersized Lot.

235 (d) Maintenance of minimum lot size. If an existing residential structure is built on two or
236 more abutting lots, construction or reconstruction thereof shall be permitted only in
237 accordance with the terms and conditions of this section, and sections 66-70 and 66-
238 71 below.

239 Sec. 66-69. - Minimum site development requirements. frontage, building square
240 footage and height of residence.

241 Minimum Requirements: Set forth below are the minimum site development
242 requirements by Zone. Frontage, building square footage and height of residence
243 requirements:

244 (1) ~~All residences to be constructed within the Town shall be built on a Full Size Lot~~
245 ~~with a minimum Frontage of 75 feet except as otherwise herein provided. (See~~
246 ~~definition of Full Size Lot.)~~

247 (2) ~~A residence constructed on any lot shall have a minimum of 3,000 square feet of~~
248 ~~Living Area, except on Exempted Lots.~~

249 (3) ~~All residences designed as two-story structures shall be required to increase the~~
250 ~~side setbacks along two-thirds of the length of the second story by one foot for~~
251 ~~each one foot of building height above the first 18 feet.~~

252 (4) ~~Lots of less than 75-foot Frontage shall conform to the following:~~

253 a. ~~After December 21, 1982, no lot or combination of regular lots or irregular~~
254 ~~lots of less than 75 feet of Frontage and less than 11,250 square feet shall~~
255 ~~constitute a building site for a residence except as otherwise herein provided.~~

256 b. ~~An Owner may join abutting lots or parcels of land to create a building site of~~
257 ~~at least 75 feet of Frontage and 11,250 square feet or larger. Prior to the~~
258 ~~issuance of any building permit, the total parcel of 75 feet of Frontage or~~
259 ~~larger shall be of Common Ownership and the Owner thereof shall replat, file~~
260 ~~a unity of title, or obtain a waiver of plat in accordance with this Code and the~~
261 ~~ordinances of the Town.~~

262 ~~(5) The following lots are exempted from this section except as noted in paragraph~~
263 ~~(1) above:~~

264 a. ~~All vacant Unimproved Lots or parcels of land of less than 75 feet of Frontage~~
265 ~~but with a minimum of 50 feet of Frontage, and a minimum area of at least~~
266 ~~7,500 square feet, existing within the Town which would have qualified as a~~
267 ~~residential building site on December 21, 1982, and which did not abut any~~
268 ~~other vacant unimproved real property owned by the same Owner on~~
269 ~~December 21, 1982, shall be exempted from the terms and conditions of~~
270 ~~sections 66-68 and 66-69(1) and (3). Lots 6 through 20 and 25 through 33 of~~
271 ~~Block 1, as platted, are also exempt from the terms and conditions of sections~~
272 ~~66-68 and 66-69(1) and (3).~~

273 b. ~~Any improved lot, in Zone Three, with less than the full lot size required but~~
274 ~~at least 7,500 square feet of lot area and 50 feet of lot frontage may be~~
275 ~~redeveloped provided total impervious area does not exceed 40 percent of~~
276 ~~the lot area, minimum front setbacks of 35 feet and rear setbacks of 30 feet~~
277 ~~are provided, minimum side setbacks of 7.5 feet are provided, and building~~
278 ~~height does not exceed 25 feet. Such construction on undersized lots shall~~
279 ~~meet all other requirements of these land development regulations not~~
280 ~~modified in this subsection.~~

281 ~~(6) A new residence built after December 21, 1982, on a single Exempted Lot shall~~
282 ~~contain a minimum of 2,500 square feet of Living Area.~~

283 ~~(7) If an existing residential structure is built on two or more abutting lots construction~~
284 ~~or reconstruction thereof shall be permitted only in accordance with the terms and~~
285 ~~conditions of subsections (1) through (5) of this section and section 66-70 below.~~

286 ~~(8) Residential structures built in the Town shall not exceed 27.5 feet in height if built~~
287 ~~on lots with Frontage of 50 feet or larger, but less than 100 feet; or 30 feet in~~
288 ~~height if built on 100-foot Frontage or larger parcel or lots. Residential structures~~
289 ~~built on Exempted Lots shall not exceed 25 feet in height. All height~~
290 ~~measurements referenced in this subsection shall be measured from the lowest~~
291 ~~habitable room finished first floor elevation (excluding garages) to the highest~~
292 ~~ridge of the roof. The height shall be measured from the lowest habitable finished~~
293 ~~floor. The maximum height limits of this subsection shall apply to all architectural~~
294 ~~features, provided that functional chimneys may be permitted to extend no more~~
295 ~~than five feet above the maximum height limits of this subsection. Additional~~
296 ~~parapet walls up to one foot in height may be permitted above the maximum~~
297 ~~height limits for flat roofs where the sole purpose is to accommodate the~~
298 ~~placement of insulation and membrane material.~~

299 ~~(9) In cases of new Construction or Substantial Improvements, when the proposed~~
300 ~~work encompasses two or more lots, a Unity of Title in a form approved by the~~
301 ~~Town, shall be submitted to the Town for approval and after approval recorded in~~
302 ~~the Public Records of Dade County at Owner's expense.~~

303 **66-69.1 Zone One (Oceanfront Properties).**

304 (a) Purpose of district.

305 Zone One is intended to encourage a high-quality luxury oceanfront living
306 environment to be utilized exclusively for individually owned single-family homes
307 on larger plots of land. Although the original platted lots in this land area were 50-
308 feet in width, effective December 21st, 1982, the minimum buildable lot sizes were
309 increased by the Town to 75 feet in width. The Town encourages the aggregation
310 of older narrow lots to create large oceanfront estates. These land development
311 regulations are intended to address all of the varying site conditions. Due to the
312 unique oceanfront characteristics of the land, with undulating land elevations along
313 the coastal dune ridges, appropriate special criteria is included for this land area.
314 The Site Development Criteria are provided in this Section and summarized in
315 Table 1. If conflicts between the text and table exist, the text prevails.

316 (b) Minimum lot frontage and lot area.

317 (1) A Full Size Lot shall have a minimum of 75 feet of lot frontage and 11,250
318 square feet of lot area.

319 (2) All other Undersized Lots shall have a minimum of 50 feet of lot frontage and
320 7,500 square feet of lot area.

321 (3) The minimum lot frontage and lot areas of this section and any other provisions
322 in the Town Code regarding the subdivision of land or the establishment of
323 Buildable, Undersized, or Full Size Lots, notwithstanding, when any property
324 Owner subdivides or alters the dimensions or configuration of any land in Zone
325 One, including existing Full Size Lots or any combination of Undersized Lots or
326 Full Size Lots, after November 21, 2006, through any legal method of
327 subdivision, including platting or waiver of plat, no resulting lot, site, tract, parcel
328 or Lot in Zone One shall have less than: (a) 100 feet of Frontage along a Street;
329 (b) 150 feet of depth; and (c) 15,000 square feet of area.

330 (c) Minimum building square footage.

331 (1) Full Size Lots - A residence constructed on any Full Size lot shall have a
332 minimum of 3,000 square feet of Living Area.

333 (2) Undersized Lots – A residence constructed on any Undersized Lot shall have
334 a minimum of 2,500 square feet of Living Area.

335 (d) Building height.

336 (1) Main Residence.

337 a. Primary residential structures built on lots with a street frontage at least
338 50 feet in width but less than 75 feet in width shall not exceed 25 feet in
339 height.

340 b. Primary residential structures built on lots with a street frontage at least
341 75 feet in width but less than 100 feet in width shall not exceed 27.5 feet
342 in height.

343 c. Primary residential structures built on lots with a street frontage of 100
344 feet or more shall not exceed 30 feet in height.

345 d. The height measurement for main residences shall be measured from
346 the lowest habitable living area which is a maximum of two (2) feet above
347 the FDEP lowest structural member (18.2 feet NGVD). This height
348 measurement shall include all portions of the main residence east of the
349 60-foot front setback line or Coastal Construction Control Line (CCCL),
350 whichever is more westerly. Areas occupied below 18.2 feet NGVD,
351 including only garages, storage areas and one bathroom shall not be
352 considered habitable areas. If any other use occurs in the area below
353 18.2 feet NGVD it is considered expendable from a flood or wave action
354 damage standpoint, and those areas shall be considered habitable;
355 therefore, the building height shall be measured from the lowest floor
356 level below 18.2 feet NGVD.

357 e. Staircases may be constructed from the lowest habitable floor to the
358 driveway grades. Due to the main residence lowest habitable floor
359 elevation requirement as compared to the front yard lot grades near
360 Ocean Boulevard (above 18.2 feet NGVD vs. 10'-12' NGVD) due to the
361 FDEP Coastal Construction Control Line (CCCL) criteria, in Zone One,
362 this subsection for staircases shall take precedence over the Town's
363 accessory structure subsection for maximum stair heights in Zone One.

364 (2) Garage / Guest Accommodations

365 a. Garages and/or guest accommodations built separate from the main
366 house, placed near Ocean Boulevard, shall not be more than 25 feet in

367 height, provided however, that any portion of the building over 12 feet in
368 height shall be setback an additional 1-foot for each one-foot (1:1) of
369 additional height over 12 feet.

370 b. The height measurement for free-standing garages and/or guest
371 accommodations shall be measured from a height of two (2) feet above
372 the average crown of the road adjoining the site, as opposed to the
373 height allowance for the main residence. Covered walkway structures
374 between the garage / guest quarters and main residence shall be subject
375 to these height limitations.

376 (3) Roof-Mounted Accessory Structures

377 The maximum height limits of this subsection shall apply to all architectural
378 features, provided that functional chimneys may be permitted to extend no
379 more than five feet above the maximum height limits of this subsection.
380 Additionally, parapet walls up to one-foot in height may be permitted above
381 the maximum height limits for flat roofs where the sole purpose is to
382 accommodate the placement and insulation and membrane material. On a
383 flat roof with rooftop activities as permitted by Section 66-261, set back a
384 minimum of 10 feet from each point where the main building walls connect to
385 the roof, an open railing of not more than four (4) feet above the finished roof
386 deck may be permitted, subject to the approval of the Building Regulation
387 Advisory Board.

388 (e) Minimum pervious area.

389 A minimum of 35 percent of the area of each lot shall be maintained as pervious
390 surface. The use of pervious pavers will be considered in the calculation to the
391 extent the applicant provides credible evidence of the permeability of the surface.
392 Pervious area calculations shall be provided by a State of Florida registered
393 Architect, Engineer, or Landscape Architect. Notwithstanding the above, not more
394 than 50% credit shall be given for pervious pavers.

396 (f) Front Yard Setbacks.

397 (1) Main Residence.No portion of any primary residential structure shall be
398 placed closer to the west "front" lot line abutting Ocean Boulevard than sixty
399 (60) feet.

400 (2) Garage / Guest Accommodations.

401 A garage structure may be built separate from the main house, in which event
402 it shall be set back a minimum of 20 feet from the west "front" property line. If

403 such a structure is constructed with a second story, the front walls shall be set
404 back an additional one foot for each one foot (1:1) of total building height above
405 the first 12 feet.

406 (g) Rear Yard Setbacks.

407 No portion of any house shall be placed closer to the east "rear" lot line abutting the
408 Atlantic Ocean than behind a line drawn between the corners of the nearest existing
409 residences parallel to the beach. Notwithstanding the foregoing, stairs and/or
410 balconies may be located closer to the east "rear" lot line than behind a line drawn
411 between the corners of the nearest adjacent residences parallel to the beach,
412 subject to the following restriction

- 413 (1) Elevation. The stairs and/or balconies area shall not exceed an elevation of
414 20.2 feet NGVD;
415
416 (2) Width. The width of the stairs and/or balconies shall not exceed 50 percent of
417 the width of the principal building. In addition, the stairs and/or balconies shall
418 be aligned on the building's centerline; and,
419
420 (3) Depth. In addition to the provisions for balconies set forth in Sec. 66-262 which
421 allows a 4-foot encroachment into a rear yard, the depth of the stairs and/or
422 balconies extending out past the above yard encroachment shall not exceed
423 25 percent of the width of the principal building.
424

425 (h) Side Yard Setbacks.

426 (1) Main Residence.

- 427 a. For lots or any combination of lots with 50 feet or more of frontage, but
428 less than 75 feet of frontage, no portion of any building shall be closer than
429 seven and one-half (7.5) feet from each side lot line.
430
431 b. For lots or any combination of lots with 75 feet or more of frontage, but
432 less than 100 feet of frontage, no portion of any building shall be closer
433 than ten (10) feet from each side lot line.
434
435 c. For lots or any combination of lots with greater than 100 feet of frontage,
436 no portion of any building shall be closer than ten (10%) percent of the lot
437 width of the frontage of the lot(s), up to a maximum required setback of
438 15 feet from each side lot line.
439
440 d. All residences designed as two-story structures shall be required to
441 increase the side setbacks along two-thirds of the length of the second
442 story by one-foot for each one-foot (1:1) of building height above the first
443 12 feet.

444 (2) Garage / Guest Accommodations.

445 A garage structure may be built separate from the main house, in which event
446 it shall be set back a minimum 10 feet from any side property line. If such a
447 structure is constructed with a second story, the side walls shall be set back an
448 additional one foot for each one foot (1:1) of total building height above the first
449 12 feet.

450 (i) Required Yard Space for Garage/Guest Accommodations.

451 (1) For lots or any combination of lots with 50 feet or more of frontage, but less than 75
452 feet of frontage where the main house and a garage/guest accommodations are
453 separated, the yard space bounded by the front face of the main house and the
454 side and front setbacks applicable to the garage structure shall provide a
455 minimum 1,100 square feet of landscape or hardscape that is otherwise
456 unimproved with any permanent structure, except that a covered walkway to
457 connect the structures, with one or both sides entirely open, the width of which
458 does not exceed ten feet, may be erected within such yard space.

459 (2) For lots or any combination of lots with 75 feet or more of frontage, where the main
460 house and a garage/guest accommodations are separated, the yard space
461 bounded by the front face of the main house and the side and front setbacks
462 applicable to the garage structure shall provide a minimum 2,200 square feet
463 of landscape or hardscape that is otherwise unimproved with any permanent
464 structure, except that a covered walkway to connect the structures, with one or
465 both sides entirely open, the width of which does not exceed ten feet, may be
466 erected within such yard space.

467 (j) Garages/Guest Accommodations. Subject to the restrictions of this Section, a
468 garage structure may be built separate from the main house which may be
469 constructed with a second floor to be used as guest or servant's quarters.

470 (k) The site development requirements of this Section are summarized in the table
471 below. If conflicts between the text and table exist, the text prevails.

472

TABLE 1			
Zone One			
Site Development Requirements			
	Undersized Lot	Full Size Lot	Full Size Lot
Lot Frontage	<u>50' to <75'</u>	<u>75' to <100'</u>	<u>100'+</u>
Minimum Lot Size	<u>7,500 sq.ft.</u>	<u>11,250 sq.ft. /15,000'</u>	<u>11,250 sq.ft. /15,000'</u>

<u>Front (West) Setback – Primary Residence</u>	<u>60'</u>	<u>60'</u>	<u>60'</u>
<u>Rear (East) Setback– Primary Residence</u>	<u>No closer to the rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach.</u>	<u>No closer to the rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach.</u>	<u>No closer to the rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach.</u>
<u>Side Setback– Primary Residence</u>	<u>7.5'</u>	<u>10'</u>	<u>10% of frontage, up to max req'd of 15'</u>
<u>Additional Second Story Setback– Primary Residence 66-69(3)</u>	<u>None</u>	<u>Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12'</u>	<u>Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12'</u>
<u>Front (West) Setback - Detached Garage</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<u>Additional Second Story Front Setback– Detached Garage 66-137(c)</u>	<u>Increase front wall by 1' for each 1' of building height above the first 12'</u>	<u>Increase front wall by 1' for each 1' of building height above the first 12'</u>	<u>Increase front wall by 1' for each 1' of building height above the first 12'</u>
<u>Detached Garage – Required Yard Space</u>	<u>1,100 sq.ft.</u>	<u>2,200 sq.ft.</u>	<u>2,200 sq.ft.</u>
<u>Side Setback – Detached Garage</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<u>Height</u>	<u>25'</u>	<u>27.5'</u>	<u>30'</u>
<u>Max Impervious</u>	<u>65% (as calculated from 58-33)</u>	<u>65% (as calculated from 58-33)</u>	<u>65% (as calculated from 58-33)</u>
<u>Min Pervious</u>	<u>35%</u>	<u>35%</u>	<u>35%</u>
<u>Min Living Area</u>	<u>2,500 sq.ft.</u>	<u>3,000 sq.ft.</u>	<u>3,000 sq.ft.</u>

474 **66-69.2 - Zone Two.**

475 **(a) Purpose of district.**

476 Zone Two is intended to encourage a high-quality luxury living environment to be
477 utilized exclusively for individually owned single-family homes. Although the
478 original platted lots in this land area were 50-feet in width, effective December 21st,
479 1982, the minimum buildable lot sizes were increased by the Town to 75 feet in
480 width. The Town encourages the aggregation of older narrow lots to create larger
481 estates. These land development regulations are intended to address all of the
482 varying site conditions. The Site Development Criteria are provided in this Section
483 and summarized in Table 2. If conflicts between the text and table exist, the text
484 prevails.

485 **(b) Minimum lot frontage and lot area.**

486 (1) A Full Size Lot shall have a minimum of 75 feet of lot frontage and 11,250
487 square feet of lot area.

488 (2) Undersized Lots shall have a minimum of 50 feet of lot frontage and 7,500
489 square feet of lot area.

490 (3) Notwithstanding any other provisions in the Town Code regarding the
491 subdivision of land or the establishment of Buildable, Undersized or Full Size
492 Lots, if an existing residential structure is built on two or more abutting lots, no
493 owner may subdivide or alter the dimensions or configuration of the land, or
494 redevelop the site which previously contained 1 residence on more than one
495 lot, including existing Full Size Lots or any combination of Undersized Lots,
496 after [Effective Date of This Ordinance] through any legal method of
497 subdivision, including platting or waiver of plat, in any way which results in a lot
498 having less than: (a) 75 feet of Frontage along a Street; and (b) 11,250 square
499 feet of area.

500 **(c) Minimum building square footage.**

501 (1) Full Size Lots - A residence constructed on any Full Size Lot shall have a
502 minimum of 3,000 square feet of Living Area.

503 (2) Undersized Lots - A residence constructed on any Undersized Lot shall have
504 a minimum of 2,500 square feet of Living Area.

505 **(d) Building height.**

- 506 (1) Residential structures built on lots with a street frontage of at least 50 feet in
507 width but less than 75 feet in width shall not exceed 25 feet in height.
- 508 (2) Residential structures built on lots with a street frontage of at least 75 feet in
509 width but less than 100 feet in width shall not exceed 27.5 feet in height.
- 510 (3) Residential structures built on lots with a street frontage of 100 feet or more
511 shall not exceed 30 feet in height.
- 512 (4) The height measurement for main residences shall be measured from the
513 lowest habitable finished floor (Base Flood Elevation or BFE), as determined
514 by the latest published FEMA FIRM maps, to the highest ridge of the roof.
- 515 (5) The maximum height limits of this subsection shall apply to all architectural
516 features, provided that functional chimneys may be permitted to extend no
517 more than five feet above the maximum height limits of this subsection.
518 Additional parapet walls up to one foot in height may be permitted above the
519 maximum height limits for flat roofs where the sole purpose is to
520 accommodate the placement and insulation and membrane material.

521 (e) Minimum pervious area.

522 A minimum of 35 percent of the area of each lot shall be maintained as pervious
523 surface. The use of pervious pavers will be considered in the calculation to the
524 extent the applicant provides credible evidence of the permeability of the surface.
525 Pervious area calculations shall be provided by a State of Florida registered
526 Architect, Engineer, or Landscape Architect. Notwithstanding the above, not more
527 than 50% credit shall be given for pervious pavers.

528 (f) Front Yard Setbacks.

- 529 (1) Lots fronting west side of Ocean Boulevard. Lots with frontage on the west
530 side of Ocean Boulevard shall provide front yard setbacks as follows:
- 531 a. For Full Size lots, no building or part thereof, including garages, shall be
532 erected nearer than 40 feet from the east lot line thereof.
- 533 b. For Undersized Lots, no building or part thereof, including garages, shall
534 be erected nearer than 40 feet from the east lot line thereof.
- 535 (2) Lots fronting east side of Golden Beach Drive. Lots with frontage on the east
536 side of Golden Beach Drive shall provide front yard setbacks as follows:
- 537 a. For Full Size Lots, no building or part thereof, including garages, shall be
538 erected nearer than 35 feet from the west lot line thereof.

539 b. For Undersized Size Lots, no building or part thereof, including garages,
540 shall be erected nearer than 35 feet from the west lot line thereof.

541 (g) Rear Yard Setbacks.

542 (1) Lots fronting west side of Ocean Boulevard. Lots with frontage on the west
543 side of Ocean Boulevard shall provide rear yard setbacks as follows:

544 a. For Full Size Lots, no building or part thereof, including garages, shall be
545 erected nearer than 25 feet from the west lot line thereof.

546 b. For Undersized Lots, no building or part thereof, including garages, shall
547 be erected nearer than 25 feet from the west lot line thereof.

548 (2) Lots fronting east side of Golden Beach Drive. Lots with frontage on the east
549 side of Golden Beach Drive shall provide rear yard setbacks as follows:

550 a. For Full Size Lots, no building or part thereof, including garages, shall be
551 erected nearer than 35 feet from the east lot line thereof.

552 b. For Undersized Lots, no building or part thereof, including garages, shall
553 be erected nearer than 30 feet from the east lot line thereof.

554 (h) Side Yard Setbacks.

555 (1) For lots or any combination of lots with 50 feet or more of frontage, but less
556 than 75 feet of frontage, no portion of any building shall be closer than seven
557 and one-half (7.5) feet from each side lot line.

558 (2) For lots or any combination of lots with 75 feet or more of frontage, but less
559 than 100 feet of frontage, no portion of any building shall be closer than ten
560 (10) feet from each side lot line.

561 (3) For lots or any combination of lots with greater than 100 feet of frontage, no
562 portion of any building shall be closer than ten (10%) percent of the lot width of
563 the frontage of the lot(s), up to a maximum required setback of 15 feet from
564 each side lot line.

565
566 (4) All residences designed as two-story structures shall be required to increase
567 side setbacks along two-thirds of the length of the second story by one foot for
568 each one foot of building height above the first 12 feet.

569 (i) The site development requirements of this Section are summarized in the table
570 below. If conflicts between the text and table exist, the text prevails.

571

TABLE 2			
Zone 2			
Site Development Requirements			
	Undersized Lot	Full Size Lot	Full Size Lot
Lot Frontage	<u>50' to <75'</u>	<u>75' to <100'</u>	<u>100'+</u>
Minimum Lot Size	<u>7,500 sq.ft.</u>	<u>11,250' sq.ft.</u>	<u>11,250' sq.ft.</u>
Front Setback – Primary residence, garage			
Lots facing on west side of Ocean Blvd	<u>40'</u>	<u>40'</u>	<u>40'</u>
Lots facing on east side of Golden Beach Drive	<u>35'</u>	<u>35'</u>	<u>35'</u>
Rear Setback – Primary residence, garage			
Lots facing on west side of Ocean Blvd	<u>25'</u>	<u>25'</u>	<u>25'</u>
Lots facing on east side of Golden Beach Drive	<u>30'</u>	<u>35'</u>	<u>35'</u>
Side Setback – Primary residence, garage			
	<u>7.5'</u>	<u>10'</u>	<u>10% of frontage, up to max req'd of 15'</u>
Additional Second Story Setback 66-69(3)			
	<u>None</u>	<u>Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12'</u>	<u>Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12'</u>
Height			
	<u>25'</u>	<u>27.5'</u>	<u>30'</u>
Max Impervious			
	<u>60%</u>	<u>65%</u>	<u>65%</u>
Min Pervious			
	<u>40%</u>	<u>35%</u>	<u>35%</u>
Min Living Area			
	<u>2,500 sq.ft.</u>	<u>3,000 sq.ft.</u>	<u>3,000 sq.ft.)</u>

572

573 **66-69.3 - Zone Three.**

574 (a) Purpose of district.

575 Zone Three is intended to encourage a high-quality luxury waterfront living
 576 environment (Canals / Intracoastal Waterway) to be utilized exclusively for
 577 individually owned single-family homes. This Zone encompasses Blocks E, F, G,
 578 H, J, K, L, and M. Although the original platted lots in this land area were 50-feet

579 in width, effective December 21st, 1982, the minimum buildable lot sizes were
580 increased by the Town to 75 feet in width. The Town encourages the aggregation
581 of older narrow lots to create larger estates. These land development regulations
582 are intended to address all of the varying site conditions. The Site Development
583 Criteria are provided in this Section and summarized in Table 3. If conflicts between
584 the text and table exist, the text prevails.

585 (b) Minimum lot frontage and lot area.

586 (1) A Full Size Lot shall have a minimum of 75 feet of lot frontage and 11,250
587 square feet of lot area.

588 (2) All Undersized Lots shall have a minimum of 50 feet of lot frontage and 7,500
589 square feet of lot area.

590 (3) Notwithstanding any other provisions in the Town Code regarding the
591 subdivision of land or the establishment of Buildable, Undersized, or Full Size
592 Lots, if an existing residential structure is built on two or more abutting lots, no
593 owner may subdivide or alter the dimensions or configuration of the land, or
594 redevelop the site which previously contained 1 residence on more than one
595 lot, including existing Full Size Lots or any combination of Undersized Lots,
596 after [Effective Date of This Ordinance] through any legal method of
597 subdivision, including platting or waiver of plat, in any way which results in a lot
598 having less than: (a) 75 feet of Frontage along a Street; and (b) 11,250 square
599 feet of area.

600 (c) Minimum building square footage.

601 (1) Full Size Lots - A residence constructed on any Full Size lot shall have a
602 minimum of 3,000 square feet of Living Area.

603 (2) Undersized Lots – A residence constructed on any Undersized Lot shall have
604 a minimum of 2,500 square feet of Living Area.

605 (d) Building height.

606 (1) Residential structures built on lots with a street frontage of at least 50 feet in
607 width but less than 75 feet in width shall not exceed 25 feet in height.

608 (2) Residential structures built on lots with a street frontage of at least 75 feet in
609 width but less than 100 feet in width shall not exceed 27.5 feet in height.

610 (3) Residential structures built on lots with a street frontage of 100 feet or more
611 shall not exceed 30 feet in height.

612 (4) The height measurement for main residences shall be measured from the
613 lowest habitable finished floor (Base Flood Elevation or BFE), as determined
614 by the latest published FEMA FIRM maps, to the highest ridge of the roof.

615 (5) The maximum height limits of this subsection shall apply to all architectural
616 features, provided that functional chimneys may be permitted to extend no
617 more than five feet above the maximum height limits of this subsection.
618 Additional parapet walls up to one foot in height may be permitted above the
619 maximum height limits for flat roofs where the sole purpose is to
620 accommodate the placement and insulation and membrane material.

621 (e) Minimum pervious area.

622 A minimum of 35 percent of the area of each lot shall be maintained as pervious
623 surface. The use of pervious pavers will be considered in the calculation to the
624 extent the applicant provides credible evidence of the permeability of the surface.
625 Pervious area calculations shall be provided by a State of Florida registered
626 Architect, Engineer, or Landscape Architect. Notwithstanding the above, not more
627 than 50% credit shall be given for pervious pavers.

628 (f) Front Yard Setbacks.

629 No building or part thereof, including garages, shall be erected closer than thirty-five
630 (35) feet to the front lot line.

631 (g) Rear Yard Setbacks.

632 (1) Full Size Lots. No building or part thereof, including garages, on a Full Size
633 Lot shall be erected closer than thirty-five (35) feet to the rear lot line
634 (Intracoastal Waterway and/or canals).

635 (2) Undersized Lots. No building or part thereof, including garages, on an
636 Undersized Lot shall be erected closer than thirty (30) feet to the rear lot line
637 (Intracoastal Waterway and/or canals).

638 (h) Side Yard Setbacks.

639 (1) For lots or any combination of lots with 50 feet or more of frontage, but less
640 than 75 feet of frontage, no portion of any building shall be closer than seven
641 and one-half (7.5) feet from each side lot line.(5)b)

642
643 (2) For lots or any combination of lots with 75 feet or more of frontage, but less
644 than 100 feet of frontage, no portion of any building shall be closer than ten
645 (10) feet from each side lot line.
646

647 (3) For lots or any combination of lots with greater than 100 feet of frontage, no
 648 portion of any building shall be closer than ten (10%) percent of the lot width of
 649 the frontage of the lot(s), up to a maximum required setback of 15 feet from
 650 each side lot line.

651
 652 (4) All residences designed as two-story structures shall be required to increase
 653 side setbacks along two-thirds of the length of the second story by one foot for
 654 each one foot of building height above the first 12 feet.

655 (i) The site development requirements of this Section are summarized in the table
 656 below. If conflicts between the text and table exist, the text prevails.

657

TABLE 3			
Zone 3			
Site Development Requirements			
	<u>Undersized Lot</u>	<u>Full Size Lot</u>	<u>Full Size Lot</u>
<u>Lot Frontage</u>	<u>50' to <75'</u>	<u>75' to <100'</u>	<u>100'+</u>
<u>Minimum Lot Size</u>	<u>7,500 sq.ft.</u>	<u>11,250' sq.ft.</u>	<u>11,250' sq.ft.</u>
<u>Front Setback – Primary residence, garage</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
<u>Rear Setback – Primary residence, garage</u>	<u>30'</u>	<u>35'</u>	<u>35'</u>
<u>Side Setback – Primary residence, garage</u>	<u>7.5'</u>	<u>10'</u>	<u>10% of frontage, up to max req'd of 15'</u>
<u>Additional Second Story Setback 66-69(3)</u>	<u>None exempt by</u>	<u>Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12'</u>	<u>Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12'</u>
<u>Height</u>	<u>25'</u>	<u>27.5'</u>	<u>30'</u>
<u>Max Impervious</u>	<u>60%</u>	<u>65%</u>	<u>65%</u>

<u>Min Pervious</u>	<u>40%</u>	<u>35%</u>	<u>35%</u>
<u>Min Living Area</u>	<u>2,500 sq.ft.</u>	<u>3,000 sq.ft.</u>	<u>3,000 sq.ft.</u>

658

659 Sec. 66-70. - Side Property Line requirement.

660 No building may be erected, constructed, or substantially improved in the Town,
 661 unless it shall be erected, constructed, or substantially improved on a parcel of land with
 662 side yard property lines or side lot lines that are continuous straight lines. No parcel of
 663 land shall be platted, replatted, nor shall a waiver of plat be approved for any parcel of
 664 land unless the parcel has side lot lines that are continuous straight lines.

665 Sec. 66-71. – Reserved. ~~Subdivision of land in Zone One.~~

666 ~~(a) *Minimum requirements.* Notwithstanding any other provisions in the Town Code~~
 667 ~~regarding the subdivision of land or the establishment of Buildable Lots, when any~~
 668 ~~property Owner subdivides or alters the dimensions or configuration of any land in~~
 669 ~~Zone One, including existing Buildable Lots or any combination of Buildable Lots,~~
 670 ~~through any legal method of subdivision, including platting or waiver of plat, no~~
 671 ~~resulting lot, site, tract, parcel or Buildable Lot in Zone One shall have less than: (a)~~
 672 ~~100 feet of Frontage along a Street; (b) 150 feet of depth; and (c) 15,000 square feet~~
 673 ~~of area.~~

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

678 ~~(b) *Application.* The foregoing section shall apply to all subdivisions created or otherwise~~
 679 ~~established in Zone One after November 21, 2006. A subdivision of land in any Zone~~
 680 ~~other than Zone One must comply with all other applicable provisions of the Code.~~

681 (c) *Determination of vested rights.*

682 (1) Nothing in this Ordinance shall be constructed or applied to abrogate the vested
 683 right of a property Owner to develop or build upon any lot, site, tract, parcel or
 684 Buildable Lot in Zone One established after November 21, 2006 and prior to the
 685 effective date of the ordinance from which this section derives, where the property
 686 Owner can demonstrate by substantial competent evidence each of the following:

687 a. The issuance of a valid and enforceable development approval authorizing
 688 the subdivision of the property in Zone One, including but not limited to a plat
 689 or waiver of plat; and

- 690 b. Evidence that the property Owner has detrimentally relied, in good faith, on
691 the approval described in subsection a. above, by making substantial
692 expenditures; and
- 693 c. That it would be highly inequitable to deny the property Owner the right to
694 develop and build upon the property.
- 695 (2) Any property Owner claiming vested rights under this subsection (c) must file an
696 application with the Town (on a form provided by the Town) within 60 days after
697 the effective date of the ordinance from which this section derives. The
698 application shall be accompanied by an application fee of \$500.00 and contain a
699 sworn statement as to the basis upon which the vested rights are asserted,
700 together with all documentation supporting the claim. Upon receipt of a complete
701 application, the Town shall schedule a hearing before the Town Council. The
702 Town Council shall hold a hearing on the application and, based upon the
703 documentation submitted, shall make a determination as to whether the property
704 Owner has established vested rights.

705 * * *

706 DIVISION 3. – Rights-of-way. ~~RESERVED.~~

707 No right-of-way currently existing within the Town limits shall be vacated or abandoned
708 so as to cause a reduction of its current width. The use of any right-of-way is limited to
709 roadways, sanitary sewer and Potable Water lines, telephone and cable television cables,
710 gas lines, other franchise utilities, sidewalks and bicycle paths as approved by the Town,
711 and landscaping.

712 * * *

713 DIVISION 4. – DESIGN STANDARDS SETBACK AND LOT LINE RESTRICTIONS

714 Sec. 66-136. - Design of Driveways.

715 (a) In addition to the garage requirement of sections 66-201 through 66-207, and design
716 of Driveways as set forth in sections 66-221 through 66-225, each residence shall
717 be required to provide one additional paved parking space on-site. The Driveway
718 leading to the garage may be utilized for this purpose. Each such parking space
719 shall be a minimum of nine feet in width and 20 feet in length.

720 (b) All applications for new or widened Driveways abutting State Road Number A1A
721 shall be required to receive a permit from Florida Department of Transportation
722 District Number 6 offices prior to receiving a permit for same from the Town.

723 Sec. 66-137. - Paint colors/permit.

724 (a) *Paint colors.* No exterior of any Structure may be painted, stained, or otherwise
725 colorized with a color(s) other than a color(s) that is the same or substantially similar
726 to a color within a paint palate established and approved by the Town Council. All
727 colors, including accent colors, must be complimentary and harmonious with other
728 materials and components, including roof tiles incorporated into the Structure. Any
729 variation from this standard shall be subject to the Town Building Official's prior
730 approval, or the Town's Building Regulation Advisory Board's approval on appeal of
731 the Building Official's decision.

732 (b) *Paint permit.* A Town paint permit shall be required prior to painting or repainting of
733 the exterior of any Structure.

734 Sec. 66-138. - Mailboxes.

735 (a) *Selection and location.* Each owner of a residence within Zones Two and Three (as
736 defined in section 66-66 of the Town Code) of the Town shall be required to maintain
737 a mailbox and supporting post that has been selected by the Town Council. The
738 mailbox and supporting post shall be installed near the paved portion of the road
739 surface fronting each residence in a location, height, and manner determined by the
740 Town Manager or his designee.

741 (b) *Cost.* The Town shall pay for the initial purchase and cost of installing a mailbox and
742 supporting post for residences located within Zones Two and Three. After such initial
743 installation, in the event a new mailbox or supporting post is requested or otherwise
744 required, the real property owner shall be responsible for all costs of such
745 replacement and installation by the Town.

746 (c) *Maintenance.* Each real property owner (in all zones of the Town) shall maintain his
747 or her mailbox and supporting post, if any, in good working condition, order and
748 appearance. Failure to comply with this section shall subject the owner to penalties
749 set forth in section 2-211 of this Code.

750 ~~Sec. 66-136. - Side line restrictions between adjoining lots.~~

751 ~~(a) For lots or any combination of lots with greater than 50 feet of frontage; no portion of~~
752 ~~any building shall be closer than ten feet from each side property line.~~

753 ~~(b) For lots or any combination of lots with greater than 100 feet of frontage; no portion~~
754 ~~of any building shall be closer than ten percent of the width of the frontage of the~~
755 ~~lot(s), up to a maximum required setback of 15 feet from each side property line of~~
756 ~~the site.~~

757 ~~Sec. 66-137. - Front and rear lot line restrictions - In Zone One.~~

758 ~~(a) No portion of any house shall be placed closer to the east rear lot line than behind a~~
759 ~~line drawn between the corners of the nearest existing adjacent residences parallel~~

760 to the beach. Notwithstanding the foregoing, stairs and/or terraces may be located
761 closer to the east rear lot line than behind a line drawn between the corners of the
762 nearest existing adjacent residences parallel to the beach, subject to the following
763 restrictions:

764 (1) ~~Elevation.~~ The stairs and/or terraces area shall not exceed an elevation of 20 feet
765 NVGD;

766 (2) ~~Width.~~ The width of the stairs and/or terraces area shall not exceed 50 percent
767 of the width of the principal building. In addition, the stairs and/or terraces area
768 shall be aligned on the principal building's centerline; and

769 (3) ~~Depth.~~ The depth of the stairs and/or terraces area shall not exceed 25 percent
770 of the width of the principal building.

771 (b) ~~On the Ocean Boulevard side of the lots mentioned in subsection (c) of this section,~~
772 ~~no portion of the house shall be less than 60 feet from the west lot line.~~

773 (c) ~~A garage structure may be built separate from the main house, in which event it shall~~
774 ~~be set back a minimum of 20 feet from the west property line, and at least ten feet~~
775 ~~from any side property line. Such garage may be constructed with a second floor to~~
776 ~~be used as guest or servant's quarters. Where constructed with a second story, the~~
777 ~~front wall shall be set back an additional one foot for each one foot of total building~~
778 ~~height above the first 18 feet. If the main house and the garage are separated, the~~
779 ~~yard space bounded by the front face of the house and the side and front setbacks~~
780 ~~applicable to the garage structure shall provide a minimum 2,200 square feet of~~
781 ~~landscape or hardscape that is otherwise unimproved with any permanent structure,~~
782 ~~except that a covered walkway to connect the structures, with one or both sides~~
783 ~~entirely open, the width of which does not exceed ten feet, may be erected within~~
784 ~~such yard space.~~

785 ~~Sec. 66-138. — Same — In Zone Two.~~

786 (a) ~~For lots facing on the west side of Ocean Boulevard, constituting: Lots 1 to 20~~
787 ~~inclusive in Block 1, Lots 1 to 19 inclusive in Block 2, Lots 1 to 20 inclusive in Block~~
788 ~~3, Lots 1 to 20 inclusive in Block 4, Lots 1 to 21 inclusive in Block 5, and Lots 1 to 20~~
789 ~~inclusive in Block 6, no building or part thereof including garages or carports shall be~~
790 ~~erected nearer than 40 feet from the east lot line thereof or nearer than 25 feet from~~
791 ~~the west lot line thereof.~~

792 (b) ~~For lots facing on east side of Golden Beach Drive, constituting: Lots 20 to 39~~
793 ~~inclusive in Block 1, Lots 20 to 38 inclusive in Block 2, Lots 20 to 40 inclusive in Block~~
794 ~~3, Lots 21 to 40 inclusive in Block 4, Lots 22 to 42 inclusive in Block 5 and Lots 21 to~~
795 ~~40 inclusive in Block 6, no building or part thereof including garages or carports shall~~

796 be erected nearer than 35 feet from the west lot line thereof, and nearer than 35 feet
797 from the east lot line thereof.

798 ~~Sec. 66-139. - Same - In Zone Three.~~

799 ~~For lots in Blocks E, F, G, H, J, K, L, and M, no building or part thereof including garages~~
800 ~~shall be erected less than 35 feet from the property line along the waters of the~~
801 ~~Intracoastal Waterway and canals and 35 feet from the front property line.~~

802 * * *

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

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

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

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

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

818 Mayor Glenn Singer _____
819 Vice-Mayor Judy Lusskin _____
820 Councilmember Amy Isackson-Rojas _____
821 Councilmember Jaime Mendal _____
822 Councilmember Kenneth Bernstein _____

823
824

825 PASSED AND ADOPTED on first reading this 25th day of April, 2017.

826 The Motion to adopt the foregoing Ordinance was offered by _____,

827 seconded by _____, and on roll call the following vote ensued:

828 Mayor Glenn Singer _____

829 Vice-Mayor Judy Lusskin _____

830 Councilmember Amy Isackson-Rojas _____

831 Councilmember Jaime Mendal _____

832 Councilmember Kenneth Bernstein _____

833

834

835 **PASSED AND ADOPTED** on second reading this _____ day of May, 2017.

836

837 ATTEST:

MAYOR GLENN SINGER

838

839

840

841

842 _____
LISSETTE PEREZ

843 TOWN CLERK

844

845 APPROVED AS TO FORM
846 AND LEGAL SUFFICIENCY:

847

848

849

850 _____
STEPHEN J. HELFMAN

851 TOWN ATTORNEY

852

853




TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 25, 2017

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Lissette Perez, 
Town Clerk

Subject: **Town Council Minutes**

Item Number:

3 & 4

Recommendation:

It is recommended that the Town Council adopt the attached minutes of the Town's February 28th, 2017 Special Town Council Meeting and March 21st, 2017 Regular Town Council Meeting.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Minutes for the February 28, 2017
Special Town Council Meeting called for 7:00 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:00 p.m.

B. ROLL CALL

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

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Town Attorney Steve Helfman, Police Chief Rudy Herbello, Finance Director Maria Camacho, Town Planner Michael Miller

C. PLEDGE OF ALLEGIANCE

Chief Herbello led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

SWEARING-IN OF NEW PART-TIME OFFICER – David Guzman

*** *postponed until the officer's family was able to arrive* ***

**** The Police Chief made a special presentation to the Town Manager from the U.S. Army Special Operations Command. ****

E. MOTION TO SET THE AGENDA

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

F. GOOD AND WELFARE

Tony Rojas, 600 Golden Beach Drive

Congratulated Mr. Mendal for winning the election and thanked Councilmember Einstein for his service to the Town for the last 18 years. Spoke on the Council's health insurance and the issue that has been brought regarding the payment of their health insurance – feels that it is deserved and it is wrong to bring that matter to issue.

Jaime Mendal, 387 Golden Beach Drive

Introduced himself. Thanked Councilman Einstein for his 18 years of service to the Town. Congratulated Councilwoman Lusskin for her win. Looking forward to working

with the Council and getting to work on the issues that have been brought before him by the residents.

G. MAYOR'S REPORT

Thanked Councilman Einstein for his 18 years of service on the Council and his service to the Town.

Spoke on the election and the high voter turnout the Town had. The Town has several projects that it is looking to complete in the next 12 months – the beach pavilion, the lighting project, the gatehouse, and the canal maintenance. Stated that he would like the Town of Golden Beach to have its own flag. Wants to encourage residents to submit their ideas for a Town flag and submit it to the Town and the Council will decide which design wins. Requested that something be put in the newsletter to that effect.

H. COUNCIL COMMENTS

Councilman Einstein

Thanked the Mayor and Mr. Rojas for their kind words. Spoke on the many accomplishments the Town has achieved during his 18-year tenure on Council.

Councilwoman Rojas

Thanked Councilman Einstein for his service to the Town, and the knowledge he has bestowed on her. It was a privilege to have sat next to him for all these years.

Vice Mayor Bernstein

Congratulated and welcomed Mr. Mendal to the Council. Expressed his gratitude and appreciation to Councilman Einstein for his 18 years of service to the Town.

Spoke briefly on the beach renovations.

Councilwoman Lusskin

Win was bittersweet because with the excitement of her winning is also the sadness of no longer working with Councilmember Einstein. Welcomed Councilmember Mendal, looking forward to working with him.

**** At this point Mayor Singer swore-in Officer David Guzman ***

I. TOWN MANAGER REPORT

Thanked Councilman Einstein for his service to the Town and his guidance and service to him and the staff at Golden Beach. Mentioned that the Town will have an event to recognize Councilman Einstein for his 18 years of service some time in April or May to coincide with the Town's potluck event.

Met with Councilmember-Elect Mendal last week to go over the Town's list of capital projects and projects going forward, and he will be having staff meetings tomorrow to go over day-to-day operations. Holding the police gatehouse project, because the Administration feels that there could be a greater savings if both the gatehouse and pavilion projects are combined. Hoping that at the April meeting a contract will be awarded for both the renovations of the police gatehouse and the pavilion restrooms.

Simultaneously working on the Town's street lighting project and reaching out to FP&L to possibly be a partner with the Town to re-do the lights. Canal maintenance project moving forward. Report will be brought before the council at the March meeting.

Now have a price tag for Center Island flooding project – somewhere in the ball park of half-a-million dollars. Administration trying to acquire state revolving fund dollars to fund

that project. In addition, working with the Town's engineers and planners to bring before the Council updates on the Town's code to make sure that there are no inconsistencies in it.

J. TOWN ATTORNEY REPORT

None

K. ORDINANCES – SECOND READING

None

L. ORDINANCES - FIRST READING

None

M. QUASI JUDICIAL RESOLUTIONS

None

N. CONSENT AGENDA

1. Official Minutes of the November 15th, 2016 Regular Town Council Meeting

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

Consensus vote 5 Ayes 0 Nays. Item N1 passed.

O. TOWN RESOLUTIONS

2. A Resolution of the Town Council Certifying the Result of the February 21, 2017 Town Election.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ACCEPTING THE TOWN CLERK'S CERTIFICATION OF THE RESULTS OF THE FEBRUARY 21, 2017 TOWN ELECTION FOR MAYOR AND TWO TOWN COUNCILMEMBERS, DESIGNATING THE VICE MAYOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Resolution No. 2483.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2483.17

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>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

The motion passed.

3. A Resolution of the Town Council Approving the Settlement Agreement with Former Town Police Officer Michelle Santinello.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE SETTLEMENT AGREEMENT WITH FORMER TOWN POLICE OFFICER MICHELLE SANTINELLO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Resolution No. 2484.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2484.17

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>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

The motion passed.

Town Manager spoke on this item and the disability the former employee is on due to the injury she suffered while on the job.

P. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:

- Dog Park and/or dog beach hours

Several people in the community do say that they utilize the dog park. In his opinion, the enlargement of the dog park and the added amenities the Town recently added, he thinks is sufficient for the size of the community in Golden Beach.

Another comment that was brought up was to have a time of day or on several days to let the dogs run free on the ocean. Thinks it is a great idea, but feels that it would be something that the families with children would not appreciate. Does not think it is feasible or fair for the residents of Golden Beach to open up the beach to the dogs. Also stated that it was suggested that the Town form a committee for the dogs. The Town already has a hard enough time getting people to attend the meetings of the committees they already have, does not think that adding a committee is the solution for the dogs.

Councilwoman Rojas – stated that the dog park is just not big enough for dogs to run around and get exercise. Thinks that the only location for a dog park is Tweddle Park because it is away from the homes. Feels that the area behind the volleyball court would be a good area.

Town Manager Diaz stated that that area is typically used for entertainment for children's birthday parties.

Mayor Singer stated that if size is an issue, then maybe it could be expanded out to the basketball courts.

Councilwoman Rojas – stated that she would not be oppose on a trial-basis, maybe once a month, to have the dogs on a leash on the beaches. Maybe during the week, when it is not peak beach usage and the attendant is there.

Councilwoman Lusskin inquired if this was only going to be done just at the pavilion area. **Town Manager** stated that it would have to be, because the rest of it is private party.

Councilmember Lusskin stated that she feels that it would have to be on a leash to keep control of the animals. Many of the residents on the beach are concerned with what this could mean for their backyards. Does not think that this responsibility could be given to the attendant on he beach. Also inquired if this would only be for Golden Beach residents or would it be open to the public at large. **Town Manager** stated that it would just be residents and their invited guests.

Councilman Einstein – asked if someone were coming from the north or the south and wanted to walk their dog on the beach right now could they?

Town Manager stated the beach has to be designated a dog area.

Councilman Einstein stated it has gotten abusive. On the ocean, how are you going to prevent the animal from defecating? Thinks that dogs are great, but this is a challenging subject.

Vice Mayor Bernstein stated that having a committee doesn't really accomplish much, but maybe this can be set up as a discussion for the public to participate it. Also likes the idea of reconfiguring the Town's current dog park to allow the animals more space to run.

Town Manager stated that this is the first time the administration is hearing about this and invited the residents to reach out to the staff if they have a concern about anything. Administration will look into it and if there is something that can be done to reconfigure the dog park, it will be done.

Mayor Singer stated that the Town Manager and him will look at the configuration of the dog park and see if it can be reconfigured and bring it before the public at the next council meeting. The topic of dogs on the beach hasn't been closed, will revisit it in the future if more recommendations are brought before council.

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:

- 50 foot lots on Ocean Boulevard

Stated that for many years the oceanfront community has enjoyed a lot of growth in the confines of the town. Town Planner Michael Miller did a survey and stated that there are 19 50 foot lots. Town's code is silent as it relates to the development of these undersized lots. Staff have met with the developers and given them principle guidelines of the Zone 3 redevelopment rules to Zone 1, to try and get the 50 foot lots redeveloped. Would like to go through some of the challenges the Administration is having to bring to the Building Regulatory Advisory Board some guidance when they meet to consider these 50 foot redevelopment projects that are being brought before them. Ultimately this will be brought before the Council in a colossal variance type of request for the Council's consideration and that the Town's attorneys will draft ordinances that affect to the 50 foot lots.

Over the course of the last few meetings, 3 variances have been requested granting 7.5 foot setbacks on 50 foot lots. The Administration has now accepted that guidance from the Council for 50 foot lots. Also require that the structure cannot go higher than 25 feet in high, based on the guidance from the Council.

In Zone 1, what the staff is finding is that due to new legislation regarding excavations the 50 foot lots are encountering an unusable space at the bottom of the home that cannot be used because it is not high enough, and it gives the impression that the house is on stilts. In talks with some members of the development community, councilmembers, and the Town's planners, all are in agreement that the area underneath the envelope should be allowed for non-habitable use. The challenge is that because the sand cannot be excavated and placed somewhere else, the Town is having a hard place determining where to put the sand. Need to discuss where the

bottom of the envelope should commence and how can the Town assist in trying to make that area a usable space.

Members of the development community have made the request to allow for a garage height to be at ten feet. Feel that would be irresponsible to neighbors on the north or south because it would increase the NGVD and would require excavations of some kind. Staff recommendations are to only allow a standard 8-foot garage, which is more than fair. Proposing that for whatever the difference is, they would have to excavate and figure out where to put the additional amount of sand and the Town would give them more envelope space. Third option is to allow them to go up however much they need but then take away from the envelope of the home.

**** *At this point in time Councilmember Einstein left the meeting* ****

Vice Mayor Bernstein stated that he was a little confused of the issue of houses looking like stilts and the four-foot gap.

Michael Miller spoke on Vice Mayor Bernstein's concerns, explaining the communities varying dune system that makes every lot different.

Mr. Samuel Ohev Zion, owns empty lot at 263 Ocean Boulevard. Asked if this is referencing 50-foot lots only? **Town Manager** stated that it only pertaining to 50 foot lots. Mr. Zion stated that when buying these lots, purchasers are very limited and thinks that the new solution would be beneficial.

Robert Morian, Architect – just wanted to bring to the attention that the Town also has a maximize height elevation for grade.

Town Manager said that the other item for discussion is the issue of elevation. Administration will bring before the council legislation consistent with how it has voted on variances for rule-making and will address these issues in the same manner that the Council has voted on them in previous variance requests.

Jerry Gavcovich for Kobe Karp Architects – working on 587 Ocean. Wanted to clarify that the reason why these properties are different from the ones on the west is state-mandated guidelines the properties need to conform to. State has already clarified the types of uses that are permitted for the space under the homes envelope.

Town Manager stated that the other aspect to this issue is the use of that area. Administration feels that that area should be able to have a gym, have the elevator come down to it, a restroom, a laundry room, equipment can be housed there, and a vehicle can be parked there. But this cannot be a kitchen or a bedroom or a living room or have habitable use.

Mayor Singer stated that maybe not allowing the bathroom in that space so that it is not converted into another bedroom.

Town Manger stated that he would have the Town Attorney's look into the state law related to that and get back to the Council.

Town Manager stated that the Administration is looking into changing the rule for a 50 foot lot and requiring it to have 1,100 square feet of green space separating the home from a detached garage instead of the current required 2,200 square feet. Also stated that if a resident wants to have a garage detached from the home, it must be enclosed on all sides and the setbacks still apply.

Town Manager stated that the overwhelming request from these residents and developers is that above the garage, the Town allow a guesthouse.

Michael Miller stated that they are suggesting to clean up the language in the code to refer to balconies as balconies and not terraces, and to define the terms correctly.

Town Manager stated that the Town currently has applications in for review that are going to go before the next BRAB with a jumbled variance request, so what we are trying to do is avoid too many changes so they don't have to change their plans. This is so that at the March meeting or a specially called for April meeting these items can go before the council.

Town Manager spoke on rooftop terraces and the issues that may arise from moving them from the center of the home, such as noise and nuisance complaints from neighboring homes.

Town Manager stated that the Administration is going to continue to allow the projects that are in the pipeline to move forward for consideration by the BRAB and the council over the next few meetings.

Town Manager stated that March 21st, 2017 will be the Swearing-In ceremony at 5 p.m. prior to the 7 p.m. meeting.

Town Attorney recommended that the meeting start at 6:30 p.m. instead of 7 p.m. Council agreed.

Q. 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 9:02 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 March 21, 2017
Regular Town Council Meeting called for 6:30 P.M.

A. MEETING CALLED TO ORDER

Mayor Singer called the meeting to order at 7:00 p.m.

B. ROLL CALL

Councilmember's Present: Mayor Glenn Singer, Vice Mayor Judy Lusskin, Councilmember Kenneth Bernstein, Councilmember Jaime Mendal

Councilmember's Not Present: Councilmember Amy Isackson-Rojas

Staff Present: Town Manager Alexander Diaz, Town Clerk Lissette Perez, Town Attorney Steve Helfman, Police Chief Rudy Herbello, Finance Director Maria Camacho, Town Planner Michael Miller, Building Director Linda Epperson

C. PLEDGE OF ALLEGIANCE

Chief Herbello led the Pledge of Allegiance

D. PRESENTATIONS / TOWN PROCLAMATIONS

COMMISSIONER SALLY HEYMAN COUNTY UPDATE

Mayor Singer presented Town Manager Diaz with a Proclamation for his ten years of service.

E. MOTION TO SET THE AGENDA

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

Consensus vote 4 Ayes, 0 Nays

F. GOOD AND WELFARE

Sydell Herrick, 625 Ocean Blvd

Congratulated the re-elected and newly elected councilmembers and the re-elected Mayor. Asked for help for the beach homes and for money for the re-nourishment of the Town's beach.

G. MAYOR'S REPORT

Thanked everyone who attended the evenings event, congratulating Councilmember Mendal and Vice Mayor Judy Lusskin. Congratulated the Town Manager on his ten years of service.

Stated that he and the Manager are looking into beach renourishment and they plan to make requests for beach renourishment dollars in Tallahassee when they travel there in two weeks.

H. COUNCIL COMMENTS

Councilmember Bernstein

Welcomed Councilmember Mendal to the Council and congratulated the Mayor and Vice Mayor Lusskin on their re-elections. Inquired as to whether the Town can purchase sand for the Town's beach. Also thinks the Town should publicize the flag idea for the Town and really try to get the youth involved.

Councilmember Mendal

Thanked the staff, Mayor and Council for the warm welcome and really looking forward to working with them.

Vice Mayor Lusskin

Looking forward to the next four years and thanked everyone who supported her. Congratulated the Town Manager for his ten years of service and wished him a happy birthday.

I. TOWN MANAGER REPORT

Grateful for the faith and trust the Town and Council have put in him. Thanked Steve Helfman for the help and assistance he provided him when he first came on board. Thanked the Directors for all of their assistance. Recognized Linda Epperson for being the employee of the year and Sergeant Leila Perez for being the officer of the year.

J. TOWN ATTORNEY REPORT

None

K. ORDINANCES – SECOND READING

None

L. ORDINANCES - FIRST READING

None

M. QUASI JUDICIAL RESOLUTIONS

1. A Resolution of the Town Council Approving A Variance Request for 255 Ocean Boulevard.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH,
FLORIDA, AUTHORIZING AND APPROVING A VARIANCE
REQUEST FOR THE PROPERTY LOCATED AT 255

OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160
TO PERMIT A FIRST FLOOR FINISHED ELEVATION TO
BE AT 25' NGVD, WHEN THE TOWN CODE
CONTEMPLATES FOR THE FINISH FLOOR ELEVATIONS
NOT TO EXCEED 20.02' NGVD.

Exhibit: Agenda Report No. 1
Resolution No. 2485.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2485.17

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager Diaz spoke on the item stating that the staff has tried to bring a collective variance to the Council on similar themed items and separate variances where they are not. Publicly thanked the future residents and planners for bearing with the Town during this transitional period.

Town Planner Michael Miller spoke on the item. Rationale submitted by the applicant for the request is that the lot does not leave the applicant with a lot of room to use the habitable floor. Town feels that that is too severe. Board also felt that that might be a little too high. Staff recommending that it not be approved, recommending 21.5' NGVD instead.

Town Manager stated that how they distribute the allowable space, the staff has no position on that.

Robert Morin & Francisco Yaro, DOMO Architecture & Design, 420 Lincoln Road, Suite 506 Miami Beach

Architects for the property – stated that many communities are taking proactive approaches to future sea level rise. This allows the property to be more proactive and address future concerns. After meeting with the BRAB, they are willing to work within the 51.5' allowable working space.

Town Manager stated that the Board's position is that they set a maximum height of structure, what they do within that space is up to them so long as the design is appropriate to the community. Now allowing ocean front homes, Zone 1 homes, to, in

essence, have a three story home, to allow the basement area to be used for non-habitable purposes.

Mayor Singer stated that he was in agreement with the board to go to a maximum of 51.5' NGVD, how it is divided up is up to the applicant.

Town Manager stated that for this property there will be a covenant that the first floor cannot start higher than 23' NGVD, placed as part of the requirement.

Attorney Helfman stated that what the Council is approving is that the first floor start at 23' NGVD with conditions that the overall height of the structure will not exceed 51.5' NGVD.

Mayor Singer made a motion to approve the amended variance.

2. A Resolution of the Town Council Approving A Variance Request for 255 Ocean Boulevard.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 255 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT AN ELEVATOR OVERRIDE AND VESTIBULE TO BE AT 13'-2" X 7'-8" IN AREA, WHEN THE TOWN CODE CONTEMPLATES FOR AN AREA IN SIZE UP TO 5' X 10'.

Exhibit: Agenda Report No. 2
Resolution No. 2486.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2486.17

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

On roll call, the following vote ensued:

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

The motion passed.

Michael Miller spoke on the request and the item. Resident requesting an elevator vestibule to protect from rain and other outdoor elements.

Town Manager stated that the dimensions today are 5 feet by 10 feet. At the BRAB the board was more concerned with how high the elevator goes. Staff not opposed to setting the maximum elevator space at 110 square feet as recommended by the Board. How it is distributed would be up to the homeowner.

Councilmember Bernstein inquired about the location of the elevator and if that was being moved.

Town Manager stated that the Administration is not changing where the elevator can sit on their home or the height.

Sydell Herrick, 625 Ocean asked if the elevator is inside of the house.

Town Manager stated that the elevator cannot be at the edge of the home.

Town Attorney stated that the motion should be to approve a variance to the elevator size to a maximum of 110 feet in lieu of the 5 by 10 limitation.

3. A Resolution of the Town Council Approving A Variance Request for 263 Ocean Boulevard.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 263 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT A FIRST FLOOR FINISHED ELEVATION TO BE AT 25' NGVD, WHEN THE TOWN CODE CONTEMPLATES FOR THE FINISH FLOOR ELEVATIONS NOT TO EXCEED 20.02' NGVD.

Exhibit: Agenda Report No. 3
Resolution No. 2487.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2487.17

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

On roll call, the following vote ensued:

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

The motion passed.

Town Planner Michael Miller stated that this request is essentially the same thing as the previous one, except this is a 75 foot lot instead of a 100 foot lot.

Town Manager stated that they are requesting a height request to go to 23' instead of 21.5'. Board and staff recommended that the maximum height of the structure be 49' NGVD. The applicant has withdrawn the request for 25' NGVD and now requesting 23' NGVD and to go up to 50.5' NGVD. This amended request was not taken before the board, so the Administration does not know how the board would vote on that.

Mayor Singer asked the applicant why he cannot keep the structure within the 49' NGVD and why they have to go up to 50.5' NGVD.

Samuel Zion, owner of 263 Ocean Blvd. spoke on the item stating that if they go by the 21.5' they are going to be limited to a ceiling height on the beach level floor of 6.5 feet. Asking that the Town not require them to excavate because they have no where to move the sand to.

Mayor Singer stated that in his opinion this is opening up Pandora's box. Thinks the 49' NGVD is very generous.

Mr. Zion stated that at 50.5' NGVD they will still be under the height of the adjacent property. What they understood from the BRAB meeting was that the number #1 concern was how the homes would look from the street and what the neighbors would stay. Spoke to experts and they stated that you cannot tell the difference from the street and performed an excavation study and it would be impossible to remove the large quantity of sand that needs to be taken out from there. And if they eat into the space, it would be an oceanfront home with a 9' foot ceiling which would greatly impact the value of the home.

Mr. Miller stated that as long as the sand stays seaward of the control line on the lot, they can excavate.

Attorney Helfman stated that the initial request is to put the NGVD at 23' for the floor height, with a condition that the maximum height of the overall house be no more than 50.5'.

Mr. Zion stated that their property is starting at the maximum, 13' NGVD, so the only thing they are asking for is to please not ask them to excavate and at least 8 feet clearing height at a minimum.

Mayor Singer stated that the beauty and the charm of Golden Beach is the combination of the older homes and the newer homes, and the higher the new homes go the worse it is for the older homes.

Mr. Zion stated that the BRAB was adamant that they excavate, and if he came back with the excavation study showing it was a real hardship they would reconsider it. The other issue the BRAB had was the appearance the structure would have from the street and even Mr. Miller stated that two feet would not make a difference. And again, it is still lower than the adjacent property.

Councilmember Mendal asked about the ceiling heights and they need the 27.5' feet.

Mr. Zion stated that it would force them to have ceiling heights that are lower than the 10 foot required by Florida Building Code and it would decrease the value of the home.

Mayor Singer reiterated that what the applicant is requesting is a 23' NGVD with a maximum of 50.5' NGVD.

On roll call, the following vote ensued:

Mayor Singer	<u>Nay</u>
Vice Mayor Lusskin	<u>Nay</u>
Councilmember Bernstein	<u>Nay</u>
Councilmember Mendal	<u>Nay</u>
Councilmember Amy Isackson-Rojas	<u>Absent</u>

The motion did not pass.

Town Manager stated that at the Building Advisory Board meeting, it was stated to the applicant that an alternative motion would be provided by the Council.

Town Attorney stated that someone needs to make a motion for reconsideration of the item.

A motion to reconsider the last vote was made by Councilmember Bernstein, seconded by Vice Mayor Lusskin.

Consensus vote 4 Ayes 0 Nays

Town Attorney stated that the Council has vacated its prior motion and making a new motion.

Mayor Singer stated that the new motion is that the floor elevation is not to exceed 21.5' NGVD with a condition that the maximum height of the structure not exceed 49' NGVD.

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

On roll call, the following vote ensued:

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

The motion passed.

4. A Resolution of the Town Council Approving A Variance Request for 263 Ocean Boulevard.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING A VARIANCE REQUEST FOR THE PROPERTY LOCATED AT 263 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 TO PERMIT AN ELEVATOR OVERRIDE AND VESTIBULE TO BE AT 9'-2" X 11'-8" IN AREA, WHEN THE TOWN CODE CONTEMPLATES FOR AN AREA IN SIZE UP TO 5' X 10'.

Exhibit: Agenda Report No. 4
Resolution No. 2488.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2488.17

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

On roll call, the following vote ensued:

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

The motion passed.

Mr. Miller recommended that the Town approve the item based on square footage, not to exceed 110 square feet.

5. A Resolution of the Town Council Approving A Variance Request for 587 Ocean Boulevard.

A RESOLUTION OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING AND APPROVING VARIANCE REQUESTS FOR THE PROPERTY LOCATED AT 587 OCEAN BOULEVARD, GOLDEN BEACH, FLORIDA 33160 1). TO PERMIT A FIRST FLOOR FINISHED ELEVATION TO BE AT 21.49' NGVD WITH A BUILDING HEIGHT NOT TO EXCEED 46.5' NGVD, WHEN THE TOWN CODE CONTEMPLATES FOR THE FINISH FLOOR ELEVATIONS NOT TO EXCEED 20.02' NGVD. 2). TO ALLOW AN OPEN SPACE FRONT YARD AREA of 1,100 SQUARE FEET WHERE THE CODE DOES NOT ALLOW FOR A FRONT YARD OPEN SPACE ON 50' LOTS, 3). TO ALLOW FOR A ROOF TOP SPA, WHERE THE CODE DOES NOT ALLOW FOR A ROOF TOP SPA, 4). TO ALLOW FOR AN ELEVATOR OVERRIDE AND VESTIBULE NOT TO

EXCEED 110 SQUARE FEET IN AREA, WHERE THE CODE ALLOWS FOR AN AREA NOT TO EXCEED 5' X 10'.

Exhibit: Agenda Report No. 5
Resolution No. 2489.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2489.17

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

On roll call, the following vote ensued:

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

The motion passed.

Town Attorney stated that the Council can approve all items or strike down and approve what they want.

Town Manager stated that what they are doing with this particular request is taken all of the feedback from the building advisory board and tried to create guidelines for the 50-foot lot. Applicant asking for a spa on the roof. Building advisory board approved everything else, but did not want to entertain the spa. Feels that if the Council agrees with the Board they can just focus on that element of the variance request.

Town Attorney stated that the Town Manager's recommendation is to allow everything requested other than the spa and discuss that element of the variance request.

Council agreed to just discuss the spa element.

Town Attorney asked where in the code are the limitations on roof activity addressed.

Mr. Jerry Gavcovich, Architect for the property. Spoke on the spa request item.

Mr. Miller spoke on what the code allows.

Mr. Gavcovich stated that the code requires it to be a passive use and they believe that the spa will have just a passive use.

Mayor Singer inquired about the mechanical equipment of the spa and where it will be located. Stated that he would not approve any mechanical equipment on the top of the house because it is a safety issue and because of the noise factor. Stated that homes have changed.

Councilmember Mendal stated that he agrees with the Mayor's suggestion to move the spa equipment somewhere else or enclose somehow to not bother the neighbors. Feels that a spa should be allowed. Recommended creating some kind of barrier to address any noise concerns.

Town Manager stated that what the Councilmember and he discussed was creating a condition to the variance addressing noise concerns.

Town Attorney stated that the Council can just state that there shall be no audible noise coming from the property to the adjacent property, if the Council is interested in granting this aspect of the variance while imposing a limitation that will control the noise.

Mrs. Sydell Herrick asked why is the applicant putting it on the roof if they have a backyard spa.

Mr. Andrew Rabin, owner of 587 Ocean Blvd. stated that the intention is to take advantage of the rooftop terrace. They do not plan to use it for chaotic parties up there, just for personal use.

Mrs. Sydell Herrick asked about the noise factor that might create to neighbors.

Town Attorney stated that this would address the noise issue.

Mayor Singer recommended that the guidelines of the parties need to be followed. Proposed that the resolution be approved with the limitations recommended by the Council.

Town Manager stated that it seems that there is a consensus to approve the spa, with a condition that they abide by the noise limitations.

Mr. Miller stated that the code doesn't have very good language about where to put the elevator on the roof, it just refers to the usable area which according the code, the usable area is ten feet back.

Town Attorney suggested that if the code is being interpreted, that the usable area of the elevator is in the interior portion of the structure and therefore they need no variance for it and that request can be withdrawn.

Town Manager stated that what's appropriate now is a motion to accept or decline the resolution with the stipulation as it relates to the spa that it would be permissible so long as the mechanical is on the first floor and the use is consistent with zoning rules as it relates to parties.

Town Attorney stated that the motion to approve items 1, 2, 3, and 4 with a condition that #3 will have no mechanical equipment on the roof and use of the spa area will have limited hours of activities under the guidelines of the code.

N. CONSENT AGENDA

6. Official Minutes of the January 17th, 2016 Regular Town Council Meeting

Consensus vote 4 Ayes 0 Nays. Items N6 passed.

O. TOWN RESOLUTIONS

7. A Resolution of the Town Council Approving A Proposal With Olin Hydrographic Solutions, Inc. for the Town's Maintenance Dredging Project.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA AUTHORIZING THE TOWN MANAGER TO CONTRACT WITH OLIN HYDROGRAPHIC SOLUTIONS, INC. FOR MARINE ENGINEERING, SURVEYING, MAPPING, AND PERMITTING SERVICES FOR THE TOWN'S CHANNEL MAINTENANCE DREDGING PROJECT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 7
Resolution No. 2490.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2490.17

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager stated that the Town is hiring a hydrology specialty firm that deals with only these types of issues. They will develop the scope and amount of quantities of sedimentation that need to be removed from the intracoastal. Also signed a separate contract with them to do a study on the Town's beach and on beach erosion. It is a maximum price of \$80,000, trying to get them underneath the amount.

Vice Mayor Lusskin asked about the sand probes and how is this going to affect the residents who have boats, and are there going to be any vibration issues.

Town Manager stated that the Town will have to determine if the material has particular contaminants, which will triple the price of disposal of the material. This does not create vibrations or affect peoples boats. Once they develop scope and approach we'll put it out to bid. Already started changing the scope of what the Town wanted.

8. A Resolution of the Town Council Authorizing the Purchase and Equipping of A Ford Transit Connect and Ford F-150.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE PURCHASE AND EQUIPPING OF A FORD TRANSIT CONNECT AND FORD F-150 FOR THE PUBLIC WORKS DEPARTMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 8
Resolution No. 2491.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2491.17

A motion to approve was made by Vice Mayor Luskin, seconded by Councilmember Mendal.

On roll call, the following vote ensued:

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

The motion passed.

Town Manager stated that the Town is going to buy a transit van for the Town’s handy man in lieu of using the Town’s golf cart anymore. This way the Town will not have to have a police officer follow him around when he is working on A1A. The Ford F-150 is for the Public Works Director who does not have a vehicle to do his runs with.

9. A Resolution of the Town Council Establishing a Personnel Board.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ESTABLISHING A PERSONNEL BOARD, PURSUANT TO SECTION 3.04 OF THE TOWN OF GOLDEN BEACH CHARTER; PROVIDING FOR INTENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 9
Resolution No. 2492.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2492.17

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

On roll call, the following vote ensued:

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

The motion passed.

- 10.** A Resolution of the Town Council Assigning Each Councilmember A Particular Area of Governmental Responsibility.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ASSIGNING EACH COUNCILMEMBER THE DUTY TO INQUIRE INTO THE OPERATION OF A PARTICULAR AREA OF GOVERNMENTAL RESPONSIBILITY; PROVIDING FOR CONFLICT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 10
Resolution No. 2493.17

Sponsor: Town Administration

Recommendation: Motion to Approve Resolution No. 2493.17

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

On roll call, the following vote ensued:

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

The motion passed.

Town Manager stated that the only request was made by Councilmember Mendal, to oversee the Building & Zoning Department.

Current department assignments are as follows:

Building and zoning	Councilmember Mendal
Finance	Councilmember Bernstein

Public Works
Administration
Police

Vice Mayor Lusskin
Councilmember Rojas
Mayor Singer

P. DISCUSSION & DIRECTION TO TOWN MANAGER

Mayor Glenn Singer:
None Requested

Vice Mayor Judy Lusskin:
None Requested

Councilmember Kenneth Bernstein:
None Requested

Councilmember Amy Isackson-Rojas:
None Requested

Councilmember Jaime Mendal:
None Requested

Town Manager Alexander Diaz:
None Requested

Town Manager asked that the April meeting be moved to the 25th instead of the 18th because he is undergoing back surgery that will require him to be out of the office for 1 ½ weeks.

Consensus vote 4 Ayes and 0 Nays

Town Manager announced that the Mayor and he will be traveling to Tallahassee for the Dade Days event the first week in April.

Q. ADJOURNMENT:

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

Consensus vote 4 Ayes 0 Nays. Motion passes.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Lissette Perez
Lissette Perez
Town Clerk



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 25, 2017

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Lissette Perez,
Town Clerk

Subject: Resolution No. 2494.17 – Supporting the Miami-Dade Transit
Expansion

Item Number:

5

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2494.17 as presented.

Background:

At the request of Commissioner Sally Heyman, this item has been placed on the agenda. Commissioner Sally Heyman spoke about this project at the March 21st, 2017 Regular Town Council Meeting asking for the Town's support.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2494.17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, SUPPORTING THE MIAMI-DADE TRANSPORTATION PLANNING ORGANIZATION'S ("TPO") TRANSIT EXPANSION THROUGH THE STRATEGIC MIAMI AREA RAPID TRANSIT ("SMART") PLAN, PRIORITIZING THE NORTHEAST CORRIDOR AND URGING THE TPO AND MIAMI-DADE COUNTY TO PURSUE CREATIVE FUNDING SOLUTIONS TO IMPLEMENT THE SMART PLAN; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, benefits of public transportation include reduced travel time, reduced traffic congestion, enhanced safety, improved access for workers and commuters, and the promotions of economic growth; and

WHEREAS, public transportation provides significant environmental benefits and has been cited as the best way to lower a household's carbon footprint; and

WHEREAS, there is a critical need to expand existing transit service to enhance mobility and economic needs of Miami-Dade County("County"); and

WHEREAS, the Miami-Dade Transportation Planning Organization ("TPO"), through its Transit Solutions Committee, received and considered input from transportation partner agencies , elected officials, and the public at large in order to designate six (6) rapid transit corridors as high priorities; and

WHEREAS, on February 16, 2016, the TPO's Governing Board unanimously approved a policy to set as the "highest priority" for the County the advancement of six (6) Rapid Transit Corridors and transit supportive projects throughout the County; and

WHEREAS, on April 21, 2016, the TPO's Governing Board reviewed and unanimously endorsed the Strategic Miami Area Rapid Transit ("SMART") plan; and

WHEREAS, the SMART plan intends to advance six (6) of the rapid transit corridors, along with a network system of bus enhanced rapid transit service, and further approves the advancement of all six (6) Corridors to the Project Development and Environment phase, which will finalize the technology and cost estimates for each corridor and enable each project to move to the final design and construction; and

WHEREAS, the northeast Corridor, connecting Aventura to Downtown Miami, has been calculated to be the least expensive rapid transit corridor to implement; and

WHEREAS, the municipalities located in Northeast Dade do not have mass transit alternatives; and

WHEREAS, Town Council of the Town Of Golden beach, Florida , supports the Northeast Corridor as a priority to provide alternatives to their residents, businesses and commuters to link up to the various stops along the way; and

WHEREAS, Town Council of the Town Of Golden beach, Florida, urges the TPO and the County to prioritize and advance the SMART Plan as project corridors receive funding;

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

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as fully set forth in this Section.

Section 2. The Town Council of the Town Of Golden beach, Florida, supports the Miami-Dade Transportation Planning Organization's transit expansion through the SMART plan, prioritizing the Northeast Corridor Rail rapid transit corridor.

Section 3. The Town Council of the Town Of Golden beach, Florida, urges the MPO and the County to pursue creative funding solutions.

Section 4. The Town Council of the Town Of Golden beach, Florida, urges the TPO and the County to prioritize and advance SMART Plan as project corridors receive funding.

Sponsored by the Town Administration.

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 Judy Lusskin	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Jaime Mendal	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 25th day of April, 2017.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AT TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: March 2, 2017

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz, *Alex B*
Town Manager

Subject: **Resolution No. 2494.17- Requesting LETF Assets to Provide
for the Rental of Location and Training for Officer Involved
Shootings**

Item Number:

6

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2494.17 as presented.

Background: The Golden Beach Police will be sponsoring a training for law enforcement within our agency and across Miami Dade County. The 8 hour course "Officer involved shootings & critical incident situations qualifies for the Minimum mandatory requirements by FDLE. The costs associated with the training location and equipment is \$9,000.00. It is requested that the Town authorize the expenditure of LETF monies in the amount of \$9,000.00 to provide said training and equipment for use by the Golden Beach Police Department and Instructors.

Federally Seized Assets: At the discretion of the United States Attorney General under United States Statute: 18 U.S.C. Section 981 (e) (2), and 21 U.S.C. Section 881 (e) (1) (A) and (e) (3) (b), the Golden Beach Police Department may lawfully receive equitable shares of the federally seized funds at the conclusion of the legal proceedings. These shares are deposited in the Town's Law Enforcement Trust Fund account.

The U.S. Department of Justice publication titled "*Guide to Equitable Sharing for State and Local Law Enforcement Agencies*" specifically provides that the equitably shared forfeited asset funds resulting from the participation of a local agency in investigations with Federal law enforcement agencies may be utilized by the participating local agency for law enforcement for Community Policing Initiatives and Awareness Programs.

State Seized Assets: Under Florida State Statute (FSS) 932.7055, the Florida Contraband Forfeiture Act, the Golden Beach Police Department lawfully receives equitable share(s) of State seized funds at the conclusion of the legal proceedings involving the regional task force.

LETF Item
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The Town uses both the federally seized and the State seized funds to increase crime prevention efforts and to also enhance the quality of police services for Town residents without increasing the Town's budget. The attached items meet the requirements of the Federal and/or State Statute requirements and are requested to be funded.

Financial Impact:

This will not have a financial impact on the Town's budget.

Attachments: Agenda Item Resolution

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2495.17

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING THE USE OF LAW ENFORCEMENT TRUST FUND (“LETF”) MONIES TO PROVIDE TRAINING FOR THE POLICE DEPARTMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town desires to sponsor a training for law enforcement officers on “Officer Involved Shootings & Critical Incident Situations”, in order to continue to provide the necessary training and community relations with the law enforcement community and residents of Golden Beach, and

WHEREAS, the cost to the Town to provide such training for 80 participants with audio, visual and food. The said training is projected to cost \$9,000.00; and

WHEREAS, the Town’s Law Enforcement Trust Fund account (the “LETF”) includes assets forfeited to the Town by authority of the Florida Contraband Forfeiture Act and by the Federal Asset Forfeiture Statutes; and

WHEREAS, the Town Council desires to utilize LETF funds to pay for the training seminar and

WHEREAS, the monies contained in the LETF are the result of seized assets from both investigations by the Town’s Police Department and joint investigations with other law enforcement agencies – not from tax revenue; and

WHEREAS, the Chief of Police has recommended that the \$9,000.00 cost be taken from the Town’s LETF for “***other law enforcement purposes***” specifically authorized by law; and

WHEREAS, the Chief of Police certifies that this expenditure complies with § 932.7055, Florida Statutes, and / or the Federal Seizure statutes in that the funds will be used for an appropriate law enforcement purpose; and

WHEREAS, the Chief of Police certifies that the Town's LETF is not being used as a normal source of revenue for the Town Police Department; and

WHEREAS, the Chief of Police certifies that the Town's LETF was not considered in the adoption and approval of the Police Department budget; and

WHEREAS, the Town Council finds that it is in the best interest of the Town to proceed as indicated in this Resolution.

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

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

Section 2. Provide Law Enforcement Officers training on shooting events and the Use of LETF to be authorized. Training for 80 participants with audio, visual and food. The said training will be hereby authorized and approved.

Section 3. Implementation. That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution.

Section 4. Effective Date. That this Resolution shall be effective immediately upon adoption.

Sponsored by the Town Administration.

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 Judy Lusskin	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Jaime Mendal	_____
Councilmember Kenneth Bernstein	_____

PASSED AND ADOPTED by the Town Council of the Town of Golden
Beach, Florida, this 25th day of April, 2017.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY