



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Official Agenda for the October 17, 2017
Local Planning Agency Hearing called for 7:00 P.M.**

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. ADOPTION OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

1. An Ordinance of the Town Council Amending the Town's Code to Revise Requirements for Fencing.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, TO AMEND DIVISION 7, - WALLS AND FENCES' OF THE TOWN'S CODE OF ORDINANCES BY DELETING THE USE OF CHAIN LINK FENCING AMENDING CHAPTER 66 "ZONING" TO REVISE REQUIREMENTS FOR FENCING REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 574.17

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 574.17

D. ADJOURNMENT:

DECORUM:

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

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

PURSUANT TO FLORIDA STATUTE 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR THAT PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHER INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

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



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: October 17, 2017

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Alex B.

Subject: Ordinance No. 574.17 – Amending Code, Division 7, “Walls
and Fences”, Section 66-187 – Construction Materials

Item Number:

1

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 574.17 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 walls and fences, deleting the use of Chain link fencing.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 574.17

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, TO AMEND DIVISION 7, - WALLS AND FENCES' OF THE TOWN'S CODE OF ORDINANCES BY DELETING THE USE OF CHAIN LINK FENCING AMENDING CHAPTER 66 "ZONING" TO REVISE REQUIREMENTS FOR FENCING REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

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

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

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

Section 2. That **ARTICLE IV. - SUPPLEMENTARY DISTRICT EGULATIONS Division 7 – WALLS AND FENCES. Section 66-187** – Construction materials is hereby deleted as follows:

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

Throughout Zones One, Two and Three, live Hedges may be grown in lieu of masonry built walls or fences, subject to the same height restrictions applicable

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

in the zone. Walls and fences of plywood, ~~composition materials, simulated wood~~, or sheet metal are prohibited. However, a rail type open fence may be permitted if the wood rails are set between piers not less than 21 inches square built of brick or stone or in the alternative wooden uprights of a minimum size of six inches by six inches and spaced not more than 12 feet apart. Rails may not be smaller than four inches by four inches. ~~Chain-link wire fence, including framing members, are covered in green or black vinyl. Alternatively,~~ Rear and side yards may be enclosed by white vinyl picket or solid panel fencing. Where ~~chain-link~~, picket, or solid panel fencing ~~are~~ is used, such fencing shall be fully screened by hedge plant material for the full height of the fence. Chain Link fencing shall not be permitted after October 1, 2017, Chain link fences which existed prior to October 1, 2017 existing after the above date may remain in such state until such time as they are subject to be replaced, repaired or renewed, when they shall be reconstructed as provided in this division. Zones Two and Three, piling shall be required under all piers, pilasters and walls for fences and for flower boxes which may not be cantilevered from beams, except that wooden uprights as referenced above, shall not need pilings, but shall penetrate into the ground a minimum of three feet and be encased in a concrete footing with a minimum thickness of one foot measured from the edge of the wooden upright. All fences shall be finished or constructed in such manner as to have the same appearance, design and finish on each side.

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

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

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

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

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

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

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

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

The Motion to adopt the foregoing Ordinance was offered by _____,
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 on second reading this 17th day of October, 2017.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY