



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Agenda for the February 20, 2018
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 Related to Rooftop Activities.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES TO REVISE CHAPTER 66, "ZONING," BY AMENDING THE TITLE OF DIVISION 11 "ACCESSORY BUILDINGS: AND BY AMENDING SECTION 66-261 RELATED TO ROOFTOP ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 577.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 577.18

2. An Ordinance of the Town Council Amending the Town's Code Related to Community Design Standards.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO COMMUNITY DESIGN STANDARDS; AMENDING SECTION 66-137 OF THE ZONING CODE RELATED TO ACCEPTABLE PAINT COLORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Ordinance No. 578.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 578.18

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: February 20, 2018

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 stylized flourish at the end.

Subject: Ordinance No. 577.18 – Amending Code, Division 11,
“Accessory Building”, Section 66-261 – Rooftop Activities

Item Number:

1

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 577.18 as presented.

Background:

At First Reading, by your action, you directed staff to include language pertaining to permissible use, specifically allowing for a single water amenity. This ordinance provides that the Building Regulatory Advisory Board must approve the amenity.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 577.18

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES TO REVISE CHAPTER 66, "ZONING," BY AMENDING THE TITLE OF DIVISION 11 "ACCESSORY BUILDINGS; AND BY AMENDING SECTION 66-261 RELATED TO ROOFTOP 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 and
2 issues and amends the Town's Land Development Regulations accordingly; and

3 **WHEREAS**, the Town Council has studied the current Code provisions of the Town
4 and found that certain modifications are necessary and desirable to further regulate rooftop
5 activities and uses, including rooftop elevator vestibules and exterior staircases on single-
6 family homes; and

7 **WHEREAS**, a public meeting was held before the Local Planning Agency (LPA) of
8 the Town to review the proposed modifications to the Town's Land Development
9 Regulations; and

10 **WHEREAS**, the Town Council held duly advertised public meetings to consider the
11 proposed modifications to the Town's Land Development Regulations.

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

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

16 **Section 2. Code Amended.** That the Town of Golden Beach Code is hereby
17 amended to modify Division 11. “Accessory Buildings,” of Article IV, “Supplemental District
18 Regulations,” of Chapter 66, “Zoning” as follows¹:

19 **CHAPTER 66 ZONING**

20 * * *

21 **ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS**

22 * * *

23 **DIVISION 11. ACCESSORY BUILDINGS AND USES**

24 * * *

25 **Sec. 66-261. – Rooftop activities.**

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(a) Except as specified below in this Section, the use of the roof of a residential structure for passive leisure ~~habitable~~ activities, including, but not limited to, entertainment and other leisure and recreational activities, is prohibited.

(b) Within Zone One, the roof of the highest roofed structure may be used for passive leisure ~~habitable~~ activities, including entertainment and other passive recreational / leisure uses subject to the following limitations:

- (1) The lot must be at least 7,500 square feet in area.
- (2) The usable area must be set back a minimum of ten feet from the edge of the roof in all directions except from the rear (ocean front).
- (3) The rooftop area shall not be improved with any permanent structures or the placement of any temporary or permanent fixtures or equipment except a safety railing up to 48 inches in height. Outdoor furniture such as chairs, sofas, and tables, and pots and planters are permitted. Additionally, with the approval of the Building Regulatory Advisory Board, a single water amenity (i.e. a hot tub/spa) may be placed on the rooftop.
- (4) No amplified or live music shall be permitted on the roof.
- (5) ~~The~~ An elevator and any covered elevator vestibule serving the rooftop shall be limited to an area of no more than ~~five feet by ten feet~~ 110 square feet. Any elevator and any covered elevator vestibule, if permitted, shall be placed near the center of the rooftop, but not less than 7.5 feet from the edge of the roof on lots less than 75 feet in width, or less than 10 feet from the edge of the roof on lots 75 feet or more in width.

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

57 (6) Staircases may extend from lower floors or the ground level to the rooftop,
58 but must comply with the setback and yard projection provisions set forth in
59 Sec. 66-141(b). Safety railings up to 48 inches in height for staircases are
60 allowed, provided they meet the above setback and yard projections. Once
61 at the rooftop railings must terminate at or connect directly to any railings
62 surrounding the usable passive leisure activity area set forth in subsection
63 (2) above. Any portion of a staircase railing constructed above the rooftop
64 shall be designed with an open appearance (no walls).

65 * * *

66 **Section 3. Code Amended.** That is any section, paragraph, sentence or word
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68 of this Ordinance or the application thereof to any person or circumstance is held invalid,
69 that the invalidity shall not affect the other sections, paragraphs, sentences, words or
70 application of this Ordinance.

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

76 **Section 5. Repealer.** That all Ordinances, parts of Ordinances, Resolutions or
77 parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent
78 of such conflict.

79 **Section 6. Effective Date.** That this Ordinance shall be in full force and take
80 effect immediately upon its passage and adoption.

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

84	Mayor Glenn Singer	<u>Aye</u>
85	Vice-Mayor Judy Luskin	<u>Aye</u>
86	Councilmember Amy Isackson-Rojas	<u>Absent</u>
87	Councilmember Kenneth Bernstein	<u>Aye</u>
88	Councilmember Jaime Mendal	<u>Aye</u>
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PASSED AND ADOPTED on first reading this 23rd day of January, 2018.

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 20th day of February,

2018.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: February 20, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz, *Alex B.*
Town Manger

Subject: Ordinance No. 578.18 – Amending Code, Section 66-137 –
Community Design Standards

Item Number:

2

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 578.18 as presented.

Background:

No changes have been made to this Ordinance since First Reading. Readers are to refer to the original recommendations for further explanation found in the backup documents from the Special Town Council Meeting on January 23rd, 2017.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 578.18

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO COMMUNITY DESIGN STANDARDS; AMENDING SECTION 66-137 OF THE ZONING CODE RELATED TO ACCEPTABLE PAINT COLORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

3 **WHEREAS**, in 2017, the Florida Legislature created Florida Statutes Section
4 166.0483 which preempts a local government's ability to require painting permits; and

5 **WHEREAS**, the Town Council has studied the current Code provisions of the Town
6 and finds that certain modifications are necessary and desirable to regulate paint colors in
7 the community in accordance with state law; and

8 **WHEREAS**, a public meeting was held before the Local Planning Agency (LPA) of
9 the Town to review the proposed modifications to the Town's Land Development
10 Regulations; and

11 **WHEREAS**, the Town Council held duly advertised public meetings to consider the
12 proposed modifications to the Town's Land Development Regulations.

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

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

17 **Section 2.** **Code Amended.** That the Town of Golden Beach Code is hereby
18 amended to modify Division 4. “Design Standards,” of Article IV, “Supplemental District
19 Regulations,” of Chapter 66, “Zoning” as follows¹:

20 **CHAPTER 66 ZONING**

21 * * *

22 **ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS**

23 * * *

24 **DIVISION 4. DESIGN STANDARDS**

25 * * *

26 **Sec. 66-137. – Paint Colors /~~Permit~~ Review Process.**

27 (a) *Paint colors.* No exterior of any Structure may be painted, stained, or otherwise
28 colorized with a color(s) other than a color(s) that is the same or substantially similar to
29 a color within a paint ~~palette~~ palette established and approved by the Town Council. All
30 colors, including accent colors, must be complimentary and harmonious with other
31 materials and components, including roof tiles incorporated into the Structure. Any
32 variation from this standard shall be subject to the ~~zoning review~~ Town Building Official's
33 ~~prior approval~~, or the Town's Building Regulation Advisory Board's approval on appeal
34 of the ~~zoning review~~ Building Official's decision.

35 (b) *Paint ~~permit~~ color review process.* A ~~Town paint permit shall be required prior~~
36 ~~to painting or repainting of the exterior of any Structure.~~ Any person wishing to paint the
37 exterior of a structure shall submit the proposed paint color sample(s), together with a
38 form prepared by the Town intended to provide information as to the site location, property
39 owner, painting contractor (if any), and proposed areas where the paint is intended to be
40 applied (illustrations / photos), to the Building Department who shall review the proposal

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

41 and verify the proposed color(s) are the same as or substantially similar to the Town's
42 approved color palette. Failure to utilize color(s) verified by the Building Department, in
43 the manner proposed during the review, shall be a violation of this section. If the
44 requested colors are not consistent with the Town's approved color palette, new color(s)
45 shall be selected and reviewed.

46 * * *

47 **Section 3. Code Amended.** That is any section, paragraph, sentence or word
48 of this Ordinance or the application thereof to any person or circumstance is held invalid,
49 that the invalidity shall not affect the other sections, paragraphs, sentences, words or
50 application of this Ordinance.

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

56 **Section 5. Repealer.** That all Ordinances, parts of Ordinances, Resolutions or
57 parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent
58 of such conflict.

59 **Section 6. Effective Date.** That this Ordinance shall be in full force and take
60 effect immediately upon its passage and adoption.

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

64	Mayor Glenn Singer	<u>Aye</u>
65	Vice-Mayor Judy Lusskin	<u>Aye</u>
66	Councilmember Amy Isackson-Rojas	<u>Absent</u>
67	Councilmember Kenneth Bernstein	<u>Aye</u>
68	Councilmember Jaime Mendal	<u>Aye</u>

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PASSED AND ADOPTED on first reading this 23rd day of January, 2018.

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 20th day of February, 2018.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY