

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 ~~palate~~ 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 Councilmember Rojas, seconded by Vice Mayor Lusskin, and on roll call the following vote ensued:

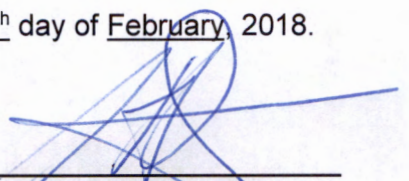
Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>

PASSED AND ADOPTED on second reading this 20th day of February, 2018.

ATTEST:

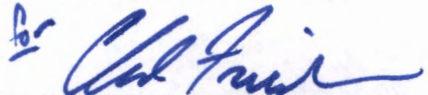


LISSETTE PEREZ
TOWN CLERK



MAYOR GLENN SINGER

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY