



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Agenda for the October 30, 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 Amending the Town's Code of Ordinances to Revise Requirements for Zone One (Oceanfront Properties).

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, TO AMEND CHAPTER 66 "ZONING" TO REVISE REQUIREMENTS FOR ZONE ONE (OCEANFRONT PROPERTIES). (D) BUILDING HEIGHT. (1) MAIN RESIDENCE, (d). AMENDING ALLOWABLE USE IN THE AREA BELOW THE 18.2 FEET NGVD, TO INCLUDE A GYM AND LAUNDRY FACILITIES; 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. 584.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 584.18

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: October 30, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Item Number:

2

Subject: Ordinance No. 584.18 – Amending Code, Chapter 66,
Ordinance 573.17, Uses below the 18.2 feet N.G.V.D. for Zone
One (Oceanfront Properties)

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 584.18 as presented.

Background:

Amending Ordinance 573.17, approved by Town Council on May 16, 2017 on second reading, to add additional uses to the area below 18.2 feet N.G.V.D to include a gym and laundry room, these items were discussed at the Town Council meeting held on May 16, 2017 and were to be included in the Ordinance. They were omitted in error.

No changes since first reading.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 584.18

1 **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF**
2 **GOLDEN BEACH, FLORIDA, TO AMEND CHAPTER 66 “ZONING”**
3 **TO REVISE REQUIREMENTS FOR ZONE ONE (OCEANFRONT**
4 **PROPERTIES). (D) BUILDING HEIGHT. (1) MAIN RESIDENCE,**
5 **(d). AMENDING ALLOWABLE USE IN THE AREA BELOW THE**
6 **18.2 FEET NGVD, TO INCLUDE A GYM AND LAUNDRY**
7 **FACILITIES. PROVIDING FOR SEVERABILITY; PROVIDING FOR**
8 **CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND**
9 **PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

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

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

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

28 **WHEREAS**, the Town's Local Planning Agency has reviewed this Ordinance on
29 this _____ day of _____, 2018, and has determined that it is consistent with the
30 Town's Comprehensive Plan; and

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

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

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

40 **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.

-Chapter 66 - ZONING

ARTICLE III. – District Regulations

66-69.1 Zone One (Oceanfront Properties).

(d) Building height.

(1) Main Residence.

- a. Primary residential structures built on lots with a street frontage at least 50 feet in width but less than 75 feet in width shall not exceed 25 feet in height.
- b. Primary residential structures built on lots with a street frontage at least 75 feet in width but less than 100 feet in width shall not exceed 27.5 feet in height.
- c. Primary residential structures built on lots with a street frontage of 100 feet or more shall not exceed 30 feet in height.
- d. The height measurement for main residences shall be measured from the lowest habitable living area which is a maximum of two (2) feet above the FDEP lowest structural member (18.2 feet NGVD). This height measurement shall include all portions of the main residence east of the 60-foot front setback line or Coastal Construction Control Line (CCCL), whichever is more westerly. Areas occupied below 18.2 feet NGVD, including only garages, storage areas, a gym, laundry room and one bathroom shall not be considered habitable areas. If any other use occurs in the area below 18.2 feet NGVD it is considered expendable from a flood or wave action damage standpoint, and those areas shall be considered habitable; therefore, the building height shall be measured from the lowest floor level below 18.2 feet NGVD.

* * *

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.

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

Mayor Glenn Singer	_____
Vice-Mayor Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Judy Lusskin	_____
Councilmember Kenneth Bernstein	_____

PASSED AND ADOPTED on first reading this 27th day of September, 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 Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____

100 Councilmember Judy Lusskin _____
101 Councilmember Kenneth Bernstein _____
102

103
104 **PASSED AND ADOPTED** on second reading this _____ day of _____, 2018

105 .

106

107 ATTEST: _____
108 MAYOR GLENN SINGER
109

110
111 _____
112 LISSETTE PEREZ
113 TOWN CLERK
114

115 APPROVED AS TO FORM
116 AND LEGAL SUFFICIENCY:
117

118
119 _____
120 STEPHEN J. HELFMAN
121 TOWN ATTORNEY
122

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