



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

Official Agenda for the November 19, 2019
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 Chapter 14, Section 14-86 Lawn Mowers and Power Tools.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES TO REVISE CHAPTER 14, "ENVIRONMENT," BY AMENDING SECTION 14-86, "LAWN MOWERS AND POWER TOOLS", PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 590.19

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 590.19

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: November 19, 2019

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Alex B.

Subject: Ordinance No. 590.19 – Amending The Town’s Code To Revise
Chapter 14, Amending Section 14-86, Lawn Mowers and Power
Tools.

Item Number:

1

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 590.19 as presented.

Background:

At the August Town Council meeting a discussion was held pertaining to limiting the hours that Landscaping can take place on the weekends. Per your direction, the ordinance proposed changing the hours in which landscaping is allowed on the weekend from 8:00 a.m. to 8:00 p.m., to 10:00 a.m. to 8:00 p.m.

There were no changes recommended during first reading.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 590.19

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES TO REVISE CHAPTER 14, "ENVIRONMENT," BY AMENDING SECTION 14-86, "LAWN MOWERS AND POWER TOOLS", 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 the use
5 of lawn mowers and power tools; and

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

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

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

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

15 **Section 2. Code Amended.** That the Town of Golden Beach Code is hereby
16 amended to modify Article III. "Noises", Division 1. "Generally" of Article II "Nuisances," of
17 Chapter 14, "Environment" as follows:¹

18 **CHAPTER 14 Environment**

19 * * *

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

20 **ARTICLE III. NOISES**

21 * * *

22 **DIVISION 1. GENERALLY**

23 * * *

25 **Sec. 14-86. – Lawn mowers and power tools.**

26
27 It shall be unlawful for any person to operate any power lawn mower or power
28 tools for landscaping purposes ~~outside an enclosed building~~ between the hours of
29 8:00 p.m. and 8:00 a.m. the following day except when the following day
30 is Saturday, Sunday or a holiday, then the restricted hours shall be extended to
31 10:00 a.m.

32 * * *

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

39 **Section 4. Codification.** That it is the intention of the Town Council of Golden
40 Beach, and it is therefore ordained, that the provisions of the Ordinance shall become and
41 be made a part of the Town of Golden Beach Code of Ordinances, that sections of this
42 Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the
43 word “Ordinance” shall be changed to “Section” or other appropriate word.

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

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

49
50

51 The Motion to adopt the foregoing Ordinance was offered
52 by Councilmember Luskin, seconded by Councilmember Einstein, and on roll call
53 the following vote ensued:

54	Mayor Glenn Singer	<u>Aye</u>
55	Vice-Mayor Kenneth Bernstein	<u>Aye</u>
56	Councilmember Judy Luskin	<u>Aye</u>
57	Councilmember Jaime Mendal	<u>Aye</u>
58	Councilmember Bernard Einstein	<u>Aye</u>

59
60 **PASSED AND ADOPTED** on first reading this 17th day of September,
61 2019.

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

64	Mayor Glenn Singer	___
65	Vice-Mayor Kenneth Bernstein	___
66	Councilmember Judy Luskin	___
67	Councilmember Jaime Mendal	___
68	Councilmember Bernard Einstein	___

69
70 **PASSED AND ADOPTED** on second reading this ___ day of _____, 2019.

71

72 ATTEST:

MAYOR GLENN SINGER

73

74

75

76

77 _____
LISSETTE PEREZ
78 TOWN CLERK

79

80

81 APPROVED AS TO FORM
82 AND LEGAL SUFFICIENCY:

83

84

85

86 _____
STEPHEN J. HELFMAN
87 TOWN ATTORNEY