

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 593.20

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT AND RECREATION AND OPEN SPACE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN TO PROVIDE FOR DEVELOPMENT AND USE OF PUBLIC FACILITIES WITHIN LANDS DESIGNATED RECREATION AND OPEN SPACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, the Town's Comprehensive Plan was originally adopted on December
2 6, 1988; and

3 **WHEREAS**, the Comprehensive Plan was last amended in 2009 pursuant to
4 Ordinance No. 535.08; and

5 **WHEREAS**, the Comprehensive Plan does not give guidance regarding public
6 facilities on lands designated Open Space and Recreation; and

7 **WHEREAS**, the Town owns lands within the Open Space and Recreation
8 designation wherein future public facilities may be advantageous to the residents of the
9 Town; and

10 **WHEREAS**, the Town Council has studied the Comprehensive Plan and found that
11 certain amendments are necessary and desirable to clarify that public facilities may be
12 permitted on lands designated Open Space and Recreation; and

13 **WHEREAS**, the Town Council, in its capacity as the Local Planning Agency (LPA),
14 has held a public meeting to review the proposed amendments to the Comprehensive Plan
15 and recommends approval; and

16 **WHEREAS**, the Town Council held duly advertised public meetings to consider the
17 proposed amendments to the Comprehensive Plan; and

18 **WHEREAS**, public agencies have been notified and were provided opportunity to
19 comment as required by Section 163.3184(3)(b), Florida Statutes; and

20 **WHEREAS**, said public agencies had no substantive comments regarding the
21 proposed text amendment, but did seek modifications to Section 5 of this ordinance
22 governing the effective date, which changes have been made; and

23 **WHEREAS**, the Town Council finds that this Ordinance is in the best interest and
24 welfare of the residents of the Town.

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

27 **Section 1. Recitals Adopted.** That the preceding “Whereas” clauses are
28 ratified and incorporated as a record of the legislative intent of this Ordinance.

29 **Section 2. Amendments.** That the Town of Golden Beach Comprehensive
30 Plan is hereby amended to modify the Future Land Use and Recreation and Open Space
31 Elements as follows:¹

32 **Amendment to Page 7 of “2.0 Future Land Use” Element**

33 **Recreation and Open Space Use.** In addition to the residential land
34 use, the Town has approximately 5.18 acres (6.72 acres with adjacent
35 R.O.W.) or park or open space . . . The Town has added over 2 acres
36 of recreation and open space land use since 1988 by acquiring lots
37 vacant near existing park sites and is well served by recreation and
38 open space for its current population demographics, which have
39 become younger and more family oriented in recent years. To
40 accommodate additional public services, public facilities are permitted
41 on properties within this designation subject to approval by the Town
42 Council.

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

43 Amendment to Page 8 of "2.0 Future Land Use" Element

44 **Public Facilities.** The third land use within the Town is public facilities
45 . . . The Town Hall is surrounded on the north and east by the Town
46 Lawn, an open space area that is used by the Town for special events
47 such as the Town Fair and summertime movies. Public facilities may
48 also be permitted on properties designated for Recreation and Open
49 Space where approved by the Town Council.

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51 Amendment to Page 19 of "2.0 Future Land Use" Element

52 **Objective 1.3:** Ensure that all land development meet or exceed
53 minimum land development code requirements and that the Town
54 adopt regulations to provide adequate guidelines for both main
55 structures, accessory uses and structures, other side areas and public
56 spaces.

57 * * *

58 **Policy 1.3.4:** Provide for additional public facilities on lands
59 designated for Recreation and Open Space after approval by
60 the Town Council based on compatibility with Town objectives
61 and applicable property development standards.

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63 Deletion on Page 20 of "2.0 Future Land Use" Element

64 **Minimum Florida Administrative Code (F.A.C.) Requirements**

65 **Chapter 9J-5.006**

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Future Land Use Element

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Items that do not apply to the Town of Golden Beach

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~~9J-5.006(3)(b)(9) Provide land for public facilities as necessary for~~

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~~growth. No land available and no growth expected; public facilities~~

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~~are adequate for growth~~

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Amendment to Page 8 of **"8.0 Recreation and Open Space"** Element:

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Future Park Acreage and Level of Service Standard.

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As stated above, the Town of Golden Beach currently has 5.43 acres

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of parkland . . . At build-out the Town will exceed the minimum park

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acreage requirements of Miami-Dade County by about 2.2. acres

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which additional acreage may be developed as public facilities on

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recreation and open space lands while maintaining adopted LOS.

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Amendment to Page 9 of **"8.0 Recreation and Open Space"** Element:

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Tweddle Park Recommendations:

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13.) Accommodate public facilities as permitted by the Town

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Council.

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Section 3. Severability. The provisions of this Ordinance are declared to be

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severable, and if any section, sentence, clause or phrase of this Ordinance shall for any

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reason be held invalid or unconstitutional, such decision shall not affect the validity of the

90 remaining sections, paragraphs, sentences, clauses, phrases and words of this Ordinance
91 shall stand notwithstanding the invalidity of any part.

92 **Section 4. Conflicts.** That all Sections or parts of Sections of the Code of
93 Ordinance, all Ordinance or parts of Ordinances, and all Resolutions, or parts of
94 Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

95 **Section 5. Effective Date.** That this Ordinance shall be in full force and take
96 effect immediately upon its passage and adoption on second reading, except that the
97 effective date of this plan amendment, if the amendment is not timely challenged, shall be
98 31 days after the state land planning agency notifies the local government that the plan
99 amendment package is complete. If the amendment is timely challenged, this amendment
100 shall become effective on the date the state land planning agency or the Administration
101 Commission enters a final order determining this adopted amendment to be in
102 compliance. No development orders, development permits, or development dependent on
103 this amendment may be issued or commence before it has become effective.

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

106	Mayor Glenn Singer	<u>Aye</u>
107	Vice-Mayor Bernard Einstein	<u>Aye</u>
108	Councilmember Kenneth Bernstein	<u>Aye</u>
109	Councilmember Jaime Mendal	<u>Aye</u>
110	Councilmember Judy Luskin	<u>Aye</u>

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113 **PASSED AND ADOPTED** on first reading this 8th day of September, 2020.

114 The Motion to adopt the foregoing Ordinance was offered by Councilmember
115 Luskin, seconded by Councilmember Bernstein, and on roll call the following vote
116 ensued:

117	Mayor Glenn Singer	<u>Aye</u>
118	Vice-Mayor Bernard Einstein	<u>Aye</u>
119	Councilmember Kenneth Bernstein	<u>Aye</u>
120	Councilmember Jaime Mendal	<u>Aye</u>

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Councilmember Judy Luskin Aye

PASSED AND ADOPTED on second reading this 24th day of November, 2020.

ATTEST:




LISSETTE PEREZ
TOWN CLERK



MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY