

**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:<sup>1</sup>

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.

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<sup>1</sup> Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

Amendment to Page 8 of “2.0 Future Land Use” Element

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

Amendment to Page 19 of “2.0 Future Land Use” Element

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

\* \* \*

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

Deletion on Page 20 of “2.0 Future Land Use” Element

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

**Chapter 9J-5.006**

66 **Future Land Use Element**

67 **Items that do not apply to the Town of Golden Beach**

68 \* \* \*

69 ~~9J-5.006(3)(b)(9) — Provide land for public facilities as necessary for~~  
70 ~~growth — No land available and no growth expected; public facilities~~  
71 ~~are adequate for growth~~

72  
73 Amendment to Page 8 of “8.0 Recreation and Open Space” Element:

74 **Future Park Acreage and Level of Service Standard.**

75 As stated above, the Town of Golden Beach currently has 5.43 acres  
76 of parkland . . . At build-out the Town will exceed the minimum park  
77 acreage requirements of Miami-Dade County by about 2.2. acres  
78 which additional acreage may be developed as public facilities on  
79 recreation and open space lands while maintaining adopted LOS.

80  
81 Amendment to Page 9 of “8.0 Recreation and Open Space” Element:

82 **Tweddle Park Recommendations:**

83 \* \* \*

84 13.) Accommodate public facilities as permitted by the Town  
85 Council.

86  
87 **Section 3. Severability.** The provisions of this Ordinance are declared to be  
88 severable, and if any section, sentence, clause or phrase of this Ordinance shall for any  
89 reason be held invalid or unconstitutional, such decision shall not affect the validity of the

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

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

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

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

Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Bernard Einstein	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>

**PASSED AND ADOPTED** on first reading this 8<sup>th</sup> day of September, 2020.

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

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


Councilmember Judy Lusskin

Aye

**PASSED AND ADOPTED** on second reading this 24<sup>th</sup> day of November, 2020.

ATTEST:

  
MAYOR GLENN SINGER

  
LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
STEPHEN J. HELFMAN  
TOWN ATTORNEY