



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

---

Official Agenda for the September 27, 2021  
Local Planning Agency Hearing called for 6:00 P.M.

---

**Zoom Room Meeting ID: 856 4675 1307 Password: 336660**

**For Dial In Only: Call 929.205.6099 Meeting ID: 856 4675 1307**

THE PUBLIC IS ENCOURAGED TO SUBMIT ALL COMMENTS VIA EMAIL TO [LPEREZ@GOLDENBEACH.US](mailto:LPEREZ@GOLDENBEACH.US) BY 2:00 P.M. MONDAY, SEPTEMBER 27, 2021.

**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 Division 3, Article 3, Chapter 2, Building Regulation Advisory Board and Chapter 50, Design Review Procedures**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING DIVISION 3, ARTICLE 3, CHAPTER 2, BUILDING REGULATION ADVISORY BOARD AND CHAPTER 50, SECTION 50-2 DESIGN REVIEW PROCEDURES, TO AMEND BOARD PROCEDURES AND PROVIDE FOR DESIGN REVIEW OF NEW CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 1  
Resolution No. 596.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 596.21

- 2. An Ordinance of the Town Council Amending the Town's Land Development Regulations, Chapter 66, To Clarify the Definition of a Single-Family Residential Dwelling.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF

ORDINANCES BY AMENDING THE TOWN'S LAND DEVELOPMENT REGULATIONS, CHAPTER 66, ARTICLE III, DISTRICT REGULATIONS, SECTION 66-67 ZONING DISTRICTS, TO CLARIFY THE DEFINITION OF A SINGLE-FAMILY RESIDENTIAL DWELLINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 2  
Resolution No. 597.21

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Resolution No. 597.21

#### **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:** September 27, 2021

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz,  
Town Manager

Item Number:

1

**Subject: Ordinance No. 596.21 – Revising the Town of Golden Beach –  
Building Regulation Advisory Board Design Review  
Procedures and Chapter 50 Building and Building  
Regulations, Sect 50-2 Design Procedures**

---

### **Recommendation:**

It is recommended that the Town Council adopt the attached Ordinance No. 596.21 as presented.

### **Background:**

Town Council has studied the current Code provisions of the Town and found that certain modifications are necessary and desirable to provide appropriate review of design for all new construction to ensure compatibility and cohesiveness in residential architectural design while preserving the Town's historic and neighborhood character, providing for new development that responds to the existing context of the built environment and open spaces

Amending Division 3, "Building Regulation Advisory Board", of Article III, "Boards, Committees, Commissions", of the Town Code of Ordinances, by modifying the duties of the Town's Building Regulation Advisory Board.

Amending Chapter 50 – Buildings and Building Regulations, Section 50-2 Design review procedures. To Amend Board procedures and provide for Design Review of New Construction.

### **Fiscal Impact:**

None

1 TOWN OF GOLDEN BEACH, FLORIDA

2  
3 ORDINANCE NO. 596.21

4  
5 AN ORDINANCE OF THE TOWN OF GOLDEN BEACH,  
6 FLORIDA, AMENDING THE TOWN'S CODE OF  
7 ORDINANCES BY AMENDING DIVISION 3, ARTICLE 3,  
8 CHAPTER 2, BUILDING REGULATION ADVISORY  
9 BOARD AND CHAPTER 50, SECTION 50-2 DESIGN  
10 REVIEW PROCEDURES, TO AMEND BOARD  
11 PROCEDURES AND PROVIDE FOR DESIGN REVIEW OF  
12 NEW CONSTRUCTION; PROVIDING FOR SEVERABILITY;  
13 PROVIDING FOR CODIFICATION; PROVIDING FOR  
14 CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.  
15

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

20 **WHEREAS**, the Town Council of the Town of Golden Beach ("Town Council") finds  
21 it periodically necessary to amend its Code of Ordinances and Land Development Code  
22 ("Code") in order to update regulations and procedures to maintain consistency with state  
23 law and to implement municipal goals and objectives; and

24 **WHEREAS**, the Town Council periodically studies land development trends and  
25 issues and amends the Town's Land Development Regulations accordingly; and

26 **WHEREAS**, the Town Council has studied the current Code provisions of the Town  
27 and found that certain modifications are necessary and desirable to provide appropriate  
28 review of design for all new construction to ensure compatibility and cohesiveness in  
29 residential architectural design while preserving the Town's historic and neighborhood  
30 character, providing for new development that responds to the existing context of the built  
31 environment and open spaces; and

32           **WHEREAS**, the Town Council wishes to establish a design review procedure and to  
33 vest the existing Building Regulation Advisory Board with authority for design review of new  
34 construction; and

35           **WHEREAS**, in order to ensure the Building Regulation Advisory Board has the  
36 necessary expertise to address design review and provide applicants with adequate  
37 process, the Town Council finds it necessary to clarify its composition, amend its  
38 procedures, and set forth criteria for evaluation of design review applications; and

39           **WHEREAS**, the Town Council held duly advertised public meetings to consider the  
40 proposed modifications to the Town’s Land Development Regulations.

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

43           **Section 1. Recitals.** That the recitals set forth above are hereby adopted and  
44 confirmed.

45           **Section 2. Amending Code.** That the Code of Ordinances of the Town of  
46 Golden Beach, Florida is hereby amended by revising Division 3, “Building Regulation  
47 Advisory Board,” Article 3, Chapter 2, Sections 2-76 through 2-82 and Chapter 50  
48 “Buildings and Building Regulations,” Section 50-2 “Design review procedures”, which  
49 sections shall read as follows:<sup>1</sup>

50  
51 **DIVISION 3. - BUILDING REGULATION ADVISORY BOARD**

52  
53 **Sec. 2-76. - Creation, composition and qualifications.**

- 54  
55           (a) There is hereby created and established the Town of Golden Beach Building  
56 Regulation Advisory Board (the "Board") consisting of up to five members and

---

<sup>1</sup> Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~. Additions added between first and second reading are shown in double underline.

57 two alternates who shall be appointed by resolution of the Town Council, and  
58 shall hold office at the pleasure and will of the Town Council. Members of the  
59 Board shall serve without compensation and shall not be reimbursed for travel,  
60 mileage, or per diem expenses.

61  
62 (b) Each member of the Board shall be a qualified elector of the Town of Golden  
63 Beach who has continuously resided within the Town for the six-month period  
64 immediately prior to the appointment, and shall not be an employee of the  
65 Town. Any member who ceases to reside within the Town limits during his or  
66 her term of office shall be deemed to have resigned as of the date of his or her  
67 change of residence from the Town. In the event of the resignation or removal  
68 of any member of the Board, the Town Council shall appoint by resolution a  
69 person to fill the vacancy on such Board for the unexpired portion of the term  
70 of the member vacating such office. ~~In appointing~~ At least three of the members  
71 ~~of the Board, or alternates must be one the following guidelines shall be~~  
72 ~~considered:~~

73 ~~(1) Expressed interest and/or experience in construction, building, design,~~  
74 ~~development, and/or architecture projects, programs and activities.~~

75 ~~(2) Evidence of a commitment to serve and act in the best interests of the citizens~~  
76 ~~of Golden Beach.~~

77 (1) Florida-licensed general contractor or a construction management professional  
78 with at least three years of professional experience as a construction project  
79 manager, construction superintendent or construction estimator;

80 (2) Florida licensed PE or a civil, mechanical, electrical, chemical or environmental  
81 engineer with a baccalaureate degree in engineering and three years of  
82 professional experience;

83 (3) Certified planner (AICP) or a planning professional with a graduate degree in  
84 planning from a program accredited by the Planning Accreditation Board with  
85 at least three years of professional planning experience or a bachelor's degree  
86 in planning from a program, accredited by the Planning Accreditation Board  
87 (PAB) with at least three years of professional planning experience;

88 (4) Florida-licensed landscape architect with at least three years of professional  
89 experience;

90 (5) Registered interior designer with at least three years of professional  
91 experience;

92 (6) Florida-licensed attorney with at least three years of professional experience;

93 (7) Florida-licensed architect; or

94 (8) Real estate developer with three years of professional experience, as either the  
95 principal or executive.

96

97

98 (c) In the event that a member of the Board shall be absent from a duly-called  
99 meeting of the Board for three consecutive meetings, or in the event that a  
100 member has three unexcused absences in a calendar year, such member shall  
101 be subject to removal as a member of the Board by vote of two-thirds of the  
102 remaining members of the Board.

103 (d) The Town Manager or designee shall serve as an ex-officio (non-voting)  
104 member of the Board and provide necessary staff support for the Board.

105 Sec. 2-77. - Term of office.

106  
107 Board members shall serve for a term of one year and may be re-appointed.  
108

109 ~~Sec. 2-78. - Advisory capacity. Reserved.~~

110  
111 ~~The powers and duties of the Board shall be solely of an advisory nature to the~~  
112 ~~Town Council.~~  
113

114 Sec. 2-79. - Jurisdiction and duties.

115  
116 Action of the Board shall be in the form of a written recommendation of advice to  
117 the Town Council, or as an approval, approval with conditions, or denial of a  
118 design review application. The following matters shall be within the advisory  
119 jurisdiction of the Board:  
120

121 ~~(1) Review plans for all new residences, exterior alterations of existing structures~~  
122 ~~and any additional structures on the premises of existing residences.~~

123 (1) Recommend to the Town Council the granting or denial of requests for variance  
124 from the literal enforcement of the zoning regulations pursuant to section 66-  
125 41 of this Code.

126 (2) Recommend to the Town Council ~~interpretation regarding apparent conflicts or~~  
127 ~~inconsistencies in~~ on the zoning provisions in chapter 66 of this Code adoption  
128 of proposed amendments to the land development regulations.

129 (3) The Board shall perform design review of (1) new construction; and (2) any  
130 renovation, addition, or change to an exterior façade, any portion of which is  
131 visible from public or private property, in accordance with Section 50-2.

132 (4) Other duties expressly assigned to the Board by the Town Council by  
133 resolution.

134  
135 Sec. 2-80. - Rules of procedure.  
136

137 (a) *Generally.* The Board shall utilize Robert's Rules of Order for the rules of  
138 procedure for the conduct of meetings of the Board.

139 (b) *Chairperson and vice-chairperson;* election; term. During the first meeting of  
140 the Board, the members shall elect one of its members to act as Chairman

141 and may elect a Vice-Chairman, both of whom shall serve only one term in  
142 that capacity within any two-year period.

143 (c) *Quorum.* At least two of all five members of the Board must be present at a  
144 meeting for a quorum to exist to transact business of the Board, ~~except when~~  
145 ~~considering variance applications in which event a majority of the members~~  
146 ~~must be present.~~ Official action shall be taken by the Board only upon the  
147 concurring vote of a majority of the members present at an official meeting of  
148 the Board.

149 (d) *Recording of meetings; minutes.* Each meeting of the Board shall be  
150 electronically recorded. Minutes of each Board meeting shall be kept and  
151 prepared by the Town Clerk or Town Manager's designee.

152 (e) *Quasi-judicial Hearing.* Design review applications shall be considered at a  
153 duly noticed, quasi-judicial public hearing. The applicant shall be entitled to  
154 present the application after staff presents its recommendation and any  
155 interested member of the public may comment. The Board shall consider all  
156 relevant evidence presented, and shall base its decision on substantial  
157 competent evidence. The Board may recommend approval, recommend  
158 approval with conditions, deny, or defer an application for consideration at a  
159 future meeting.

160 (f) *Appeal.* The decision of the Board on a design review application may be  
161 appealed to the Town Council by written request filed with the Town Clerk no  
162 more than fifteen (15) days after the decision.

163  
164 Sec. 2-81. - Notice to neighboring property owners.  
165

166 (a) Prior to a hearing before the Board, the applicant and owners of property within  
167 the corporate limits of the Town of Golden Beach, who are within 300 feet in  
168 each direction of any parcel wherein a request for a variance is being made  
169 concerning that parcel, shall be notified by certified mail, return receipt  
170 requested, and regular mail, ten days prior to the time that such request shall  
171 be considered by the Board.

172 (b) The notice shall set forth the legal description and street address of the property  
173 for which the request is being made, the time and place when the request will  
174 be considered and the nature of the request.

175  
176 Sec. 2-82. - Fees for hearings.  
177

178 The Town Council shall set by resolution a fee to be paid by any applicant  
179 seeking or requesting a hearing before the Board. The fee shall be paid at the time the  
180 application for a hearing is filed. The application shall not be considered complete or  
181 properly filed until the fee has been paid.  
182

183 Secs. 2-83-2-90. - Reserved.



184  
185  
186  
187  
188  
189  
190  
191

\*\*\*

## Chapter 50 - BUILDINGS AND BUILDING REGULATIONS

\*\*\*

### Sec. 50-2. - Design review procedures.

192  
193  
194  
  
195  
196  
197  
198  
199  
200

~~The applicant shall have up to 18 months, or such lesser time as may be specified by the Building Regulation Advisory Board, from the date of the board meeting at which the design review approval was granted, to obtain a full building permit.~~

~~If the applicant fails to obtain a full building permit within 18 months, or such lesser time as may be specified by the board, of the date of the meeting at which design approval was granted, and/or the construction does not commence and proceed in accordance with the said permit and the requirements of the applicable Florida Building Code, then all related Council, Building Regulation Advisory Board and staff approvals will be deemed null and void.~~

201  
202  
203

~~The applicant will be required to re-submit to the Building Regulation Advisory Board for their approval under the Building and Development Regulations and Site Development Standards then in effect.~~

204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214

(a) Purpose. The purpose of this section is to promote compatibility and cohesiveness in residential architectural design while preserving the Town's historic architectural and neighborhood character, providing for new development that responds to the existing context of the built environment and open spaces. The Building Regulation Advisory Board (the "Board") shall review and evaluate applications as to whether the design of new development and/or improvements within the Town are compatible with existing development, are of cohesive architectural character, provide sufficient buffering of uses from public property and rights-of-way and adjacent properties, and are consistent with any supplemental criteria approved by the Town Council by resolution and kept on file with the Town Clerk.

215  
216  
217  
218  
219  
220

(b) Applicability. All (1) new construction; and (2) any exterior renovation, addition, or change to an exterior façade (including, without limitation, change of façade materials, any portion of which is visible from public or private property, shall obtain approval from the Building Advisory Board prior to applying for a building permit.

221  
222  
223  
224

Once a completed application for a Design approval is received and all applicable fees are paid, the Town Manager or his designee shall schedule the application for consideration of the Board on the next regularly scheduled meeting.

225  
226

(c) Criteria. In reviewing the application, the Building Regulation Advisory Board shall consider the following:

- 227 a. The exterior building components and external architectural features shall  
228 have attractive and cohesive architectural character.
- 229 b. The orientation, appearance and design of external architectural features of  
230 new and existing buildings and structures, and/or additions or modifications  
231 to existing buildings and structures, shall indicate sensitivity to and shall be  
232 compatible with the streetscape and adjacent property, enhance the  
233 appearance of surrounding properties, and create or maintain important  
234 view corridor(s).
- 235 c. Landscaping and paving materials shall ensure a cohesive relationship with  
236 and enhancement of the overall site plan design.
- 237 d. Buffering materials shall ensure that headlights of vehicles, noise, light, and  
238 mechanical equipment are adequately shielded from public view, adjacent  
239 properties and sidewalks.
- 240 e. Colors shall be subtle and harmonious with the landscaping and nearby  
241 buildings and structures. Bright or brilliant colors may be used for accent  
242 only.
- 243 f. All rooftops of buildings with flat roof decks shall be designed to minimize  
244 negative appearances by screening mechanical equipment and utility  
245 hardware, and by minimizing the ponding of stormwater through use of  
246 drains and scuppers. Rooftops shall be designed to allow for the continued  
247 maintenance of the roof surface in an attractive manner.
- 248 g. Mechanical equipment and utility hardware on roofs, ground or buildings  
249 shall be screened from view of any adjacent property or public view with  
250 materials harmonious with the building, or shall be located so as not to be  
251 visible from streets, waterways, and adjoining properties. Screening shall  
252 be of such material and color so that it matches or blends with the existing  
253 roof or portion above the top floor where it is installed.
- 254 h. The choice of materials and their usage shall be conducive to regular  
255 maintenance and durability.

256  
257 (d) Board decision. The Board shall base its decision on substantial competent  
258 evidence and may approve, approve with conditions, deny, or defer an application  
259 for further consideration at a future hearing of the Board.

260  
261 Building Permit. The applicant shall have up to 18 months from the date of the  
262 Approval is issued by the Building Regulation Advisory Board, or such lesser time  
263 as may be specified by the Board, to obtain a full building permit.

264  
265 Any permit issued shall meet the conditions of the approval, if any. If the applicant  
266 fails to obtain a full building permit within 18 months of the date of the issuance of  
267 the approval by the Building Regulation Advisory Board, or such lesser time as  
268 may be specified by the Board, and/or the construction does not commence and  
269 proceed in accordance with said permit and the requirements of the applicable

270 Florida Building Code, then all related Council, Board and staff approvals will be  
271 deemed null and void.

272  
273 (e) The applicant will be required to re-submit to the Board for approval of the design,  
274 and/or for other applicable approvals, under the codes and supplemental design  
275 criteria then in effect.

276  
277 (f) Appeal. The decision of the Board may be appealed to the Town Council by written  
278 request filed with the Town Clerk no more than fifteen (15) days after the decision.

279

280

281 \*\*\*

282

283 **Section 3. Severability.** That the provisions of this Ordinance are declared to

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

285 any reason be held to be invalid or unconstitutional, such decision shall not affect the

286 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but

287 they shall remain in effect, it being the legislative intent that this Ordinance shall stand

288 notwithstanding the invalidity of any part.

289 **Section 4. Codification.** That it is the intent of the Town Council that the

290 provisions of this ordinance shall become and be made a part of the Town's Code of

291 Ordinances, and that the sections of this Ordinance may be renumbered or relettered,

292 and the word "ordinance" may be changed to "section," "article," "regulation," or such

293 other appropriate word or phrase in order to accomplish such intentions.

294 **Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or

295 parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

296 **Section 6. Effective Date.** That this Ordinance shall be in full force and take

297 effect immediately upon its passage and adoption.

298

299 The Motion to adopt the foregoing Resolution was offered by Vice Mayor Lusskin,  
300 seconded by Councilmember Mendal and on roll call the following vote ensued:

301	Mayor Glenn Singer	<u>Aye</u>
302	Vice Mayor Judy Lusskin	<u>Aye</u>
303	Councilmember Bernard Einstein	<u>Aye</u>
304	Councilmember Jaime Mendal	<u>Aye</u>
305	Councilmember Kenneth Bernstein	<u>Aye</u>
306		

307 **PASSED AND ADOPTED** on first reading this 15<sup>th</sup> day of June, 2021

308 The Motion to adopt the foregoing Ordinance was offered by \_\_\_\_\_,  
309 seconded by \_\_\_\_\_, and on roll call the following vote ensued:

310	Mayor Glenn Singer	_____
311	Vice Mayor Judy Lusskin	_____
312	Councilmember Bernard Einstein	_____
313	Councilmember Jaime Mendal	_____
314	Councilmember Kenneth Bernstein	_____
315		

316 **PASSED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_ 2021.

317  
318  
319 \_\_\_\_\_  
320 MAYOR GLENN SINGER

321 ATTEST:  
322  
323  
324 \_\_\_\_\_  
325 LISSETTE PEREZ  
326 TOWN CLERK

327  
328  
329  
330 APPROVED AS TO FORM  
331 AND LEGAL SUFFICIENCY:  
332  
333  
334 \_\_\_\_\_  
335 STEPHEN J. HELFMAN  
336 TOWN ATTORNEY



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

---

## MEMORANDUM

---

**Date:** September 27, 2021

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz,  
Town Manager

Item Number:

2

**Subject:** Ordinance No. 597.21 – Amending the Town’s Land  
Development Regulation to Clarify the Definition of a Single-  
Family Residential Dwelling

---

### **Recommendation:**

It is recommended that the Town Council adopt the attached Ordinance No. 597.21 as presented.

### **Background:**

This Ordinance will provide for additional enforceable provisions to ensure that homes in Town are being used for the purposes provided within the Ordinance.

We anticipate that this Ordinance will assist our efforts to limit the type of activities homes in Town are being used for (i.e. commercial parties, hosted events for other purposes, etc.).

### **Fiscal Impact:**

None

1 TOWN OF GOLDEN BEACH, FLORIDA

2  
3 ORDINANCE NO. 597.21

4  
5 AN ORDINANCE OF THE TOWN OF GOLDEN BEACH,  
6 FLORIDA, AMENDING THE TOWN'S CODE OF  
7 ORDINANCES BY AMENDING THE TOWN'S LAND  
8 DEVELOPMENT REGULATIONS, CHAPTER 66, ARTICLE  
9 III, DISTRICT REGULATIONS, SECTION 66-67 ZONING  
10 DISTRICTS, TO CLARIFY THE DEFINITION OF A SINGLE-  
11 FAMILY RESIDENTIAL DWELLINGS; PROVIDING FOR  
12 SEVERABILITY; PROVIDING FOR CODIFICATION;  
13 PROVIDING FOR CONFLICTS; AND PROVIDING AN  
14 EFFECTIVE DATE.

15  
16 **WHEREAS**, the Town Council of the Town of Golden Beach ("Town Council")  
17 periodically studies land development trends and issues, and amends the Town's Land  
18 Development Regulations in order to update its regulations; and

19 **WHEREAS**, Chapter 66, Article III, District Regulations, Section 66-67, Zoning  
20 Districts, of the Town of Golden Beach's Land Development Regulations requires updating  
21 to clarify the definition of Single Family Residential Dwellings to insure compliance with the  
22 provisions of the Town Charter and applicable laws; and

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

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

27 **Section 1. Recitals.** That the recitals set forth above are hereby adopted and  
28 confirmed.

29 **Section 2. Amending Code.** That the Code of Ordinances of the Town of  
30 Golden Beach, Florida is hereby amended by revising Chapter 66, Article III, District

31 Regulations, Section 66-67(b)(1), Zoning Districts, of the Town of Golden Beach's Land  
32 Development Regulations, which sections shall read as follows:<sup>1</sup>

33 Sec. 66-67. - Zoning districts.

34 \*\*\*

35 (b) Single-Family Residential District. Within the SF district, the following uses are  
36 permitted:

37 (1) Single-Family Residential Dwellings. All property within the SF district shall be  
38 used for the principal purpose of single-family residential dwellings at all times  
39 occupied as a single household by the same an individual family. only.

40 \*\*\*

41 **Section 3. Severability.** That the provisions of this Ordinance are declared to  
42 be severable and if any section, sentence, clause or phrase of this Ordinance shall for  
43 any reason be held to be invalid or unconstitutional, such decision shall not affect the  
44 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but  
45 they shall remain in effect, it being the legislative intent that this Ordinance shall stand  
46 notwithstanding the invalidity of any part.

47 **Section 4. Codification.** That it is the intent of the Town Council that the  
48 provisions of this ordinance shall become and be made a part of the Town's Code of  
49 Ordinances, and that the sections of this Ordinance may be renumbered or relettered,  
50 and the word "ordinance" may be changed to "section," "article," "regulation," or such  
51 other appropriate word or phrase in order to accomplish such intentions.

52 **Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or  
53 parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

---

<sup>1</sup> Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~. Additions added between first and second reading are shown in double underline.

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

56 The Motion to adopt the foregoing Resolution was offered by Vice Mayor Lusskin,  
57 seconded by Councilmember Bernstein and on roll call the following vote ensued:

58 Mayor Glenn Singer Aye  
59 Vice Mayor Judy Lusskin Aye  
60 Councilmember Bernard Einstein Aye  
61 Councilmember Jaime Mendal Aye  
62 Councilmember Kenneth Bernstein Aye  
63

64 **PASSED AND ADOPTED** on first reading this 15<sup>th</sup> day of June, 2021

65 The Motion to adopt the foregoing Ordinance was offered by \_\_\_\_\_,  
66 seconded by \_\_\_\_\_, and on roll call the following vote ensued:

67 Mayor Glenn Singer \_\_\_\_\_  
68 Vice Mayor Judy Lusskin \_\_\_\_\_  
69 Councilmember Bernard Einstein \_\_\_\_\_  
70 Councilmember Jaime Mendal \_\_\_\_\_  
71 Councilmember Kenneth Bernstein \_\_\_\_\_  
72

73 **PASSED AND ADOPTED** on second reading this \_\_\_ day of \_\_\_\_\_ 2021.

74  
75  
76 \_\_\_\_\_  
77 MAYOR GLENN SINGER

77 ATTEST:  
78  
79 \_\_\_\_\_  
80 LISSETTE PEREZ  
81 TOWN CLERK

82  
83  
84 APPROVED AS TO FORM  
85 AND LEGAL SUFFICIENCY:  
86  
87 \_\_\_\_\_  
88 STEPHEN J. HELFMAN  
89 TOWN ATTORNEY