

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.
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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:¹

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

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

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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

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

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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.

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107 Board members shall serve for a term of one year and may be re-appointed.
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109 ~~Sec. 2-78.—Advisory capacity. Reserved.~~

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111 ~~The powers and duties of the Board shall be solely of an advisory nature to the~~
112 ~~Town Council.~~
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114 Sec. 2-79. - Jurisdiction and duties.

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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.

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

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

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176 Sec. 2-82. - Fees for hearings.
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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.
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183 Secs. 2-83-2-90. - Reserved.

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Chapter 50 - BUILDINGS AND BUILDING REGULATIONS

Sec. 50-2. - Design review procedures.

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~~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.~~

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~~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.~~

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~~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.~~

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- (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.

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- (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.

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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.

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- (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.

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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.

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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.

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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.

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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.

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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.

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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.

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

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

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

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

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

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

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

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

300 effect immediately upon its passage and adoption.

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

301	Mayor Glenn Singer	<u>Aye</u>
302	Vice Mayor Judy Luskin	<u>Aye</u>
303	Councilmember Bernard Einstein	<u>Aye</u>
304	Councilmember Jaime Mendal	<u>Aye</u>
305	Councilmember Kenneth Bernstein	<u>Aye</u>
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307 **PASSED AND ADOPTED** on first reading this 15th day of June, 2021

308 The Motion to adopt the foregoing Ordinance was offered by Councilmember
309 Mendal, seconded by Vice Mayor Luskin, and on roll call the following vote ensued:

310	Mayor Glenn Singer	<u>Aye</u>
311	Vice Mayor Judy Luskin	<u>Aye</u>
312	Councilmember Bernard Einstein	<u>Aye</u>
313	Councilmember Jaime Mendal	<u>Aye</u>
314	Councilmember Kenneth Bernstein	<u>Aye</u>
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316 **PASSED AND ADOPTED** on second reading this 27th day of ~~September~~, 2021.

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MAYOR GLENN SINGER

321 ATTEST:

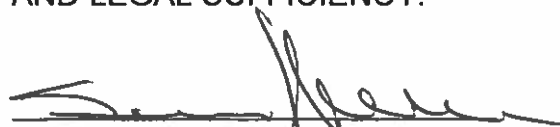
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LISSETTE PEREZ
TOWN CLERK

330 APPROVED AS TO FORM
331 AND LEGAL SUFFICIENCY:

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STEPHEN J. HELFMAN
TOWN ATTORNEY