



TOWN OF GOLDEN BEACH
100 Ocean Boulevard
Golden Beach, FL 33160

**Official Agenda for the November 19, 2024
Local Planning Agency Hearing called for 6:00 P.M.**

Zoom Room Meeting ID: 842 7837 0351 Password: 785187

For Dial In Only: Call 305.224.1968 Meeting ID: 842 7837 0351

THE PUBLIC IS ENCOURAGED TO SUBMIT ALL COMMENTS VIA EMAIL TO LPEREZ@GOLDENBEACH.US BY 2:00 P.M. TUESDAY, NOVEMBER 19, 2024.

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 of the Town of Golden Beach Amending the Town's Comprehensive Plan to Provide for A Property Rights Element.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN OF GOLDEN BEACH COMPREHENSIVE PLAN TO ADOPT A PROPERTY RIGHTS ELEMENT; PROVIDING THAT ALL PREREQUISITES TO ADOPTION HAVE BEEN SATISFIED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 606.24

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 606.24

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 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

100 Ocean Boulevard
Golden Beach, FL 33160

MEMORANDUM

Date: November 19, 2024

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Item Number:

1

Subject: Ordinance No. 606.24 – Amending the Town’s Comprehensive
Plan to Provide for a Property Rights Element

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 606.24 as presented.

Background:

The State of Florida’s Legislature, in the summer of 2021, amended the Community Planning Act to require every local government and county “to include in its comprehensive plan a property rights element.” F.S. §163.3177(6)(i)1. (2021). The Town of Golden Beach is required to adopt this new element “by the earlier of the date of its adoption it’s next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan.” F.S. §163.3177(6)(i)2. (2021). The Town of Golden Beach did not transmit any plan amendments after July 1, 2021, and identified the need to adopt this amendment in its July 21, 2023 Evaluation and Appraisal Notification Letter.

We are recommending this change to the Town’s Comprehensive Plan for the purpose of complying with Florida Statutes.

Fiscal Impact:

None

1 TOWN OF GOLDEN BEACH, FLORIDA

2
3 ORDINANCE NO. 606.24

4
5 AN ORDINANCE OF THE TOWN OF GOLDEN BEACH,
6 FLORIDA, AMENDING THE TOWN OF GOLDEN BEACH
7 COMPREHENSIVE PLAN TO ADOPT A PROPERTY RIGHTS
8 ELEMENT; PROVIDING THAT ALL PREREQUISITES TO
9 ADOPTION HAVE BEEN SATISFIED; PROVIDING FOR
10 CONFLICTS; PROVIDING FOR SEVERABILITY; AND
11 PROVIDING AN EFFECTIVE DATE.

12
13 WHEREAS, the Town of Golden Beach's Comprehensive Plan was originally
14 adopted on December 6, 1988; and;

15 WHEREAS, the Comprehensive Plan was last amended in 2020 pursuant to
16 Ordinance No. 593.20; and

17 WHEREAS, the provisions of the Community Planning Act, within Part II of
18 Chapter 163, Florida Statutes, require adoption and continuous review of a municipal
19 comprehensive plan; and

20 WHEREAS, the Town of Golden Beach, pursuant to the Community Planning
21 Act, currently has an adopted Comprehensive Plan, which was submitted to and
22 reviewed by the applicable agencies authorized by Chapter 163, Florida Statutes, and
23 has been found in compliance with Chapter 163, Florida Statutes;

24 WHEREAS, Section 163.3177(6)(i)1., Florida Statutes, requires the Town of
25 Golden Beach Comprehensive Plan to include a property rights element; and

26 WHEREAS, a public hearing was held by the Town Council, acting as the Town's
27 Local Planning Agency, in compliance with Chapter 163, Florida Statutes, to consider
28 the above referenced amendment; and

29 WHEREAS, the reviewing agencies authorized by Chapter 163, Florida Statutes,
30 may make objections, recommendations, and comments ("ORC Report") to the Town
31 not later than thirty (30) days after receiving the Town proposed amendment; and

Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~.

32 **WHEREAS**, the Town Council may consider said ORC Report and adopt the
33 amendment with changes at the appropriate adoption stage; and

34 **WHEREAS**, the Town Council shall hold at least two (2) public hearings on the
35 proposed amendment; one (1) at the transmittal stage and one (1) at the adoption stage
36 in compliance with Section 163.3184(11), Florida Statutes; and

37 **WHEREAS**, all staff reports, minutes of meetings, findings of fact, and supporting
38 documents are hereby incorporated by reference and provide sufficient legal basis for
39 such amendment; and

40 **WHEREAS**, the Town Council has considered the amendment in its entirety, staff
41 reports, minutes of meetings, findings of fact and supporting documents, and
42 determines the amendment is consistent with the Town’s adopted Comprehensive Plan
43 and in the best interests of the Town.

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

46 **Section 1. Ratification.** That the foregoing “WHEREAS” clauses, recitals,
47 findings of fact, minutes of meetings, and all staff reports and supporting documents are
48 true and correct and are hereby incorporated by reference.

49 **Section 2. Comprehensive Plan Amendment.** That “Table of Contents”, of the
50 Town of Golden Beach Comprehensive Plan is hereby amended to include the Property
51 Rights Element as follows:

52 **Town of Golden Beach**
53 **Comprehensive Plan**

54
55 **TABLE OF CONTENTS**

56 **1.0 Introduction**

57 1.1 Purpose

58 1.2 Comprehensive Planning History in the Town

59 1.3 Comprehensive Plan Preparation, Review and Adoption Process

60 1.4 Planning Time Frames

Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~.

61	
62	2.0 Future Land Use Element
63	2.1 Introduction
64	2.2 Existing Conditions
65	A. Existing Land Use
66	B. Natural Environment and Other Conditions
67	2.3 Analysis of Existing Conditions and Growth Trends
68	A. Growth Trends
69	B. Economy
70	C. Urban Services
71	D. Analysis
72	2.4 Future Land Use Plan
73	2.5 Goals, Objectives and Policies
74	
75	3.0 Transportation Element
76	3.1 Introduction
77	3.2 Description of Existing Transportation System
78	A. Roadway System
79	B. Significant Parking Facilities
80	C. Public Transit System
81	D. Significant Bicycle and Pedestrian Ways
82	E. Ports, Airport Facilities, Railways and Inter-Modal Facilities
83	3.3. Existing Functional Classification & Maintenance Responsibilities
84	3.4 Number of Through Lanes for Each Roadway
85	3.5 Major Public Transit Generators and Attractors
86	3.6 Designated Local & Regional Transportation Facilities Critical to the
87	Evacuation of the Coastal Population
88	3.7 Existing Peak Hour, Peak Direction and Level of Service for Roads, Mass
89	Transit Facilities & Corridors/Routes
90	3.8 Transportation Analysis
91	Analysis of Existing Transportation Systems

Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~.

92	A. Arterial Roads
93	1. Ocean Drive/ SR A1A
94	B. Local Roadways
95	1. Golden Beach Drive
96	2. Other Local Streets
97	3.9 Analysis of Average Daily and Peak Hour Trips
98	3.10 Analysis of Modal Split and Vehicle Occupancy Rates
99	3.11 Analysis of Existing Public Transit Facilities
100	3.12 Population Characteristics Including Transportation Disadvantaged Persons
101	3.13 Characteristics of Major Trip Generators and Attractors
102	3.14 Analysis of the Availability of Transportation Facilities and Service to Serve
103	Existing Land Uses
104	3.15 Analysis of the Adequacy of the Existing and Proposed Transportation
105	Systems to Evacuate the Coastal Population Prior to an Impending
106	Natural Disaster
107	3.16 Analysis of Growth Trends, Travel Patterns, Interactions Between Land Use
108	and Transportation Facilities and Compatibility Between Future Land Use
109	and Transportation Elements
110	3.17 Analysis of Existing and Projected Inter-modal Deficiencies and Needs
111	3.18 Analysis of the Projected Transportation Level of Service and System Needs
112	3.19 Analysis of Projects Planned by the Florida Department of Transportation's
113	Adopted Work Program, Metropolitan Planning Organization and the Local
114	Transportation Authority
115	3.20 Analysis of Maintenance of Adopted Level of Service (LOS) Standards
116	3.21 Analysis of Internal Consistency Between Elements
117	3.22 Analysis of Transportation Management Programs Necessary to Promote
118	and Support Public Transportation Systems
119	3.23 Maintenance of Roadways
120	3.24 Future Map Series
121	3.25 Goals, Objectives and Policies
122	3.26 Appendix

Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~.

123 A. LOS Methodology

124 B. FDOT Tables

125

126 **4.0 Housing Element**

127 4.1 Introduction

128 4.2 Existing Housing Characteristics

129 a. Housing Inventory

130 b. Substandard Housing

131 4.3 Housing Market

132 a. Existing Home Values

133 b. Home Sale Prices

134 c. Rents

135 4.4 Analysis of Housing Conditions

136 a. Projected Housing Needs

137 b. Requirements for Capital Improvements

138 4.5 Population Characteristics

139 4.6 Population Projections

140 4.7 Affordable Housing Needs

141 a. Cost Burden, General

142 b. Household Income

143 c. Elderly Households

144 d. Size of Households

145 e. Analysis of Standard Units

146 f. Analysis of Means for Providing Group Homes

147 4.8 Goals, Objectives and Policies

148

149 **5.0 Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and**
150 **Natural Groundwater Aquifer Recharge Element**

151 5.1 Introduction

152 A. Sanitary Sewer

153 B. Solid Waste

Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~.

- 154 C. Stormwater Management
- 155 D. Potable Water
- 156 E. Natural Groundwater Recharge

157 5.2 Sanitary Sewer

158 5.3 Solid Waste

159 a. Trash Removal

160 b. Recycling

161 5.4 Stormwater Management

162 5.5 Potable Water

163 5.6 Natural Groundwater Aquifer Recharge

164 5.7 Goals, Objectives and Policies

165

166 **6.0 Coastal Management Element**

167 6.1 Introduction

168 6.2 Existing Conditions

169 A. Assessment of Point Pollution into the Intracoastal Waterway

170 B. Description of the Town's Biological Systems

171 C. Assessment of Coastal Infrastructure

172 6.3 Natural Disaster Planning

173 6.4 Goals, Objectives and Policies

174

175 **7.0 Conservation Element**

176 7.1 Purpose

177 A. Environmental Setting

178 B. Current Situation

179 C. Commercial Valuable Materials and Resources

180 D. Beach and Soil Erosion

181 1. Beach Erosion

182 2. Soil Erosion

183 E. Inventory and Analysis

184 A. Water Resources

Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~.

- 185 B. Flora and Fauna
- 186 C. Air Quality
- 187 7.2 Conservation and Recreational Use of Natural Resources
- 188 7.3 Development Pressures and Pollution
- 189 7.4 Hazardous Wastes
- 190 7.5 Potable Water Use
- 191 7.6 Recommendations for Managing the Natural Environment
- 192 7.7 Goals, Objectives and Policies

193

194 **8.0 Recreation and Open Space Element**

- 195 8.1 Introduction
- 196 8.2 Existing Conditions
 - 197 a. Town Facilities
 - 198 b. Regional Facilities
- 199 8.3 Park and Recreation Needs and Level of Service
 - 200 a. Changing Needs
 - 201 b. Existing Park Acreage and Level of Service Standard
 - 202 c. Future Park Acreage and Level of Service Standard
 - 203 d. Park and Recreation Master Plan
- 204 8.4 Goals, Objectives and Policies

205

206 **9.0 Intergovernmental Coordination Element**

- 207 9.1 Introduction
- 208 9.2 Existing Conditions
 - 209 A. Adjacent Municipalities
 - 210 B. County Governments
 - 211 C. Utility Companies
 - 212 D. Regional Agencies
 - 213 E. State Agencies
 - 214 F. Coordinating Mechanisms
- 215 9.3 Goals, Objectives and Policies

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216

217 **10.0 Capital Improvement Element**

218 10.1 Introduction

219 10.2 Financial Resources

220 A. General Fund

221 B. Proprietary Funds

222 C. November 2007 General Obligation Bond

223 10.3 Fiscal Assessment

224 10.4 Adequacy of Facilities

225 10.5 Projected Revenues and Operating Costs

226 10.6 Level of Service (LOS) Standards

227 10.7 Capital Improvements Program

228 10.8 Monitoring and Evaluation

229 10.9 Goals, Objectives and Policies

230

231 **11. Property Rights Element**

232 **11.1 Introduction**

233 **11.2 Goals, Objectives, Policies**

234

235 **Section 3. Comprehensive Plan Amendment.** That the Town of Golden Beach

236 Comprehensive Plan is amended to include the creation of a new Section 11. “Property

237 Rights Element” as follows:

238

239 **11. PROPERTY RIGHTS ELEMENT**

240

241 **11.1 Introduction**

242

Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~.

243 The State of Florida’s Legislature, in the summer of 2021, amended the Community
244 Planning Act to require every local government and county “to include in its
245 comprehensive plan a property rights element.” F.S. §163.3177(6)(i)1. (2021). The Town
246 of Golden Beach is required to adopt this new element “by the earlier of the date of its
247 adoption it’s next proposed plan amendment that is initiated after July 1, 2021, or the
248 date of the next scheduled evaluation and appraisal of its comprehensive plan.” F.S.
249 §163.3177(6)(i)2. (2021). The Town of Golden Beach did not transmit any plan
250 amendments after July 1, 2021, and identified the need to adopt this amendment in its
251 July 21, 2023 Evaluation and Appraisal Notification Letter.

252

253 **11.2 Goals, Objectives, Policies**

254

255 **Goal 1:** The Town of Golden Beach shall make planning and development decisions
256 with respect for property rights in compliance with the requirements of Section
257 163.3177, Florida Statutes, as amended.

258

259 **Objective 1.1:** The Town of Golden Beach will respect judicially acknowledged and
260 constitutionally protected private property rights.

261

262 **Policy 1.1.1:** The Town of Golden Beach shall consider in its decision-making the
263 right of a property owner to physically possess and control their interests in the
264 property, including easements, leases, or mineral rights.

265

266 **Policy 1.1.2:** The Town of Golden Beach shall consider in its decision-making the
267 right of a property owner to use, maintain, develop, and improve their property for
268 personal use or for the use of any other person, subject to state law and local
269 ordinances.

270

Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~.

271 **Policy 1.1.3:** The Town of Golden Beach shall consider in its decision-making the
272 right of the property owner to privacy and to exclude others from the property to
273 protect the owner’s possessions and property.

274
275 **Policy 1.1.4:** The Town of Golden Beach shall consider in its decision-making the
276 right of a property owner to dispose of their property through sale or gift.

277
278 **Section 4. Transmittal of Proposed Amendment.** That upon approval on first
279 reading, this Comprehensive Plan Amendment shall be transmitted to the Department of
280 Commerce and other reviewing agencies pursuant to Section 163.3184, Florida
281 Statutes.

282 **Section 5. Prerequisites.** That the amendment to the Comprehensive Plan has
283 been reviewed by all of the reviewing agencies, and all procedural and substantive
284 prerequisites have been completed prior to adoption as set forth in Part II of Chapter
285 163, Florida Statutes.

286 **Section 6. Transmittal of Adopted Amendment.** That the amendment to the
287 Comprehensive Plan was recommended for approval by the Town Council as the Local
288 Planning Agency, in compliance with Part II of Chapter 163, Florida Statutes, and is
289 hereby adopted as an amendment to the Comprehensive Plan by the Town Council of
290 the Town of Golden Beach, Florida. The Town Council hereby directs the Town Clerk to
291 transmit this final action to the Department of Commerce in compliance with Chapter
292 163, Florida Statutes.

293 **Section 7. Conflicts.** That all ordinances or parts of ordinances, all Town Code
294 sections or parts of Town Code sections, and all resolutions or parts of resolutions in
295 conflict with this ordinance are hereby repealed to the extent of such conflict.

296 **Section 8. Severability.** That should any section or provision of this ordinance or
297 any portion thereof, any paragraph, sentence, clause or word be declared by a court of
298 competent jurisdiction to be invalid, such decision shall not affect the validity of the
299 remainder hereof as a whole or part hereof other than the part declared invalid.

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300 **Section 9. Effective Date.** That this Ordinance shall be in full force and take
301 effect immediately upon its passage and adoption on second reading, except that the
302 effective date of this plan amendment, if the amendment is not timely challenged, shall
303 be 31 days after the state land planning agency notifies the local government that the
304 plan amendment package is complete. If the amendment is timely challenged, this
305 amendment shall become effective on the date the state land planning agency or the
306 Administration Commission enters a final order determining this adopted amendment to
307 be in compliance. No development orders, development permits, or development
308 dependent on this amendment may be issued or commence before it has become
309 effective.

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316 [REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

328
329 Mayor Glenn Singer Aye
330 Vice Mayor Bernard Einstein Aye
331 Councilmember Kenneth Bernstein Aye
332 Councilmember Judy Luskin Aye
333 Councilmember Jaime Mendal Aye
334

335 **PASSED AND ADOPTED** on first reading this 29 day of October, 2024.
336

337 The Motion to adopt the foregoing Ordinance was offered by Councilmember
338 _____, seconded by Councilmember _____, and on roll call the
339 following vote ensued:

340
341 Mayor Glenn Singer _____
342 Vice Mayor Bernard Einstein _____
343 Councilmember Kenneth Bernstein _____
344 Councilmember Judy Luskin _____
345 Councilmember Jaime Mendal _____
346

347 **PASSED AND ADOPTED** on second reading this ___ day of _____, 2024.
348

349
350
351 _____
352 MAYOR GLENN SINGER

353 ATTEST:

354
355 _____
356 LISSETTE PEREZ
357 TOWN CLERK
358

359 APPROVED AS TO FORM
360 AND LEGAL SUFFICIENCY:

361
362
363 _____
364 STEPHEN J. HELFMAN
365 TOWN ATTORNEY

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