

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 527.07

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66 "ZONING", ARTICLE I "IN GENERAL" TO ADD A DEFINITION FOR "GAZEBO"; AMENDING ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 11 "ACCESSORY BUILDINGS", SECTION 66-251 TO ALLOW DETACHED GAZEBO STRUCTURES IN ZONES TWO AND THREE AND TO PROVIDE FOR SETBACK REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town's zoning regulations permit the construction of Gazebo (defined below) structures as accessory to single-family homes within Zones Two and Three; and

WHEREAS, the Town desires to establish uniform regulations for the use and construction of such Gazebos; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interest of the citizens of the Town of Golden Beach;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above recitals is hereby adopted and confirmed.

Section 2. Amendment to Town Code Section 66-1. That the Code of Ordinances of the Town of Golden Beach, Florida, Section 66-1 entitled "Definitions", is hereby amended to add the following definition for "Gazebo"¹:

Section 66-1. Definitions.

Gazebo means an accessory structure with four open sides containing not more than 150 square feet of roofed area. A Gazebo may include a bar, outdoor cooking facility, electrical outlets, lighting and sound amplification systems, all located within walls up to 42 inches high along two sides.

Section 3. Amendment to Town Code Section 66-251. That the Code of Ordinances of the Town of Golden Beach, Florida, Section 66-251 entitled "Cabanas", is hereby amended to read as follows:

Sec. 66-251. Cabanas/Gazebos.

(a) In Zone One a cabana or similar structure separate from the main house structure may be permitted to be erected only on the oceanfront of a property provided it contains not more than 250 square feet of roofed area and not more than one story in height. However, no part thereof shall be east of a line joining the corners of nearest existing similar structures nor shall may [any] part be within 50 feet of the Mean High Water Line; and no part of the roof thereof shall be more than 15 feet above MGVD which floor level is hereby established as a base line. Such structure may be built to the lot lines. Side line and east lot line clearance is not required. No more than one such structure is permitted to be erected for each residence. The roof of the Cabanas shall not be used as solarium or for any other similar use by persons.

(Code 1989, § 13.19(A); Ord. No. 431.98, § 1, 1-20-98)

(b) In Zone Two and Zone Three, one Gazebo separate from the main house structure may be permitted to be erected, subject to the following requirements:

¹ Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~strikethrough~~.

- (1) The Gazebo shall not be more than one story in height and must contain matching roof slopes and detailing similar to the principal structure;
- (2) The roof of the Gazebo shall not be used as a solarium or for any similar purposes; and
- (3) The Gazebo must comply with the following setback requirements:
 - i. Zone Two: A Gazebo in Zone Two must be placed at least 10 feet from the side lot line and 10 feet from the rear lot line.
 - ii. Zone Three: A Gazebo in Zone Three must be placed at least 10 feet from the side lot line and 15 feet from the rear lot line.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 5. Inclusion in the Code. That the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Golden Beach, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Conflict. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

Sponsored by the Administration

PASSED AND ADOPTED on first reading this 21st day of August, 2007.

PASSED AND ADOPTED on second reading this 18th day of September, 2007.

The Motion to adopt the foregoing Ordinance was offered by Council Member Amy Rojas, seconded by Council Member Ben Einstein and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Ken Bernstein	<u>Aye</u>
Councilmember Ben Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>

ATTEST:



MAYOR GLENN SINGER



ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



TOWN ATTORNEY