

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 559.14

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66, "ZONING"; ARTICLE III "DISTRICT REGULATIONS", TO AMEND REGULATIONS LIMITING THE HEIGHT OF RESIDENTIAL STRUCTURES; AMENDING ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 11 "ACCESSORY BUILDINGS", TO PROHIBIT ROOFTOP TERRACES AND ELEVATORS PROVIDING ROOFTOP ACCESS FOR RESIDENTIAL STRUCTURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach ("Town Council") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the Town Council desires to amend the Code in order to provide for revised regulations of the height of residential structures, and for exceptions for certain building features which necessitate additional height; and

WHEREAS, the Town Council also desires, with limited exception, to amend the Code in order to prohibit rooftop terraces, and elevators which provide rooftop terrace access, while providing for the continuation of such structures if lawfully permitted as legal nonconforming structures for which construction has been commenced or completed prior to February 4, 2014; and

WHEREAS, the Town Manager and Building Official have prepared the proposed text amendments; and

WHEREAS, the Town Council, meeting as the Local Planning Agency, considered the amendments proposed in this Ordinance on March 18th, 2014 and recommended adoption of this Ordinance to the Town Council; and

WHEREAS, after careful consideration of this matter, the Town Council has determined that it is in the best interests of the Town to approve the text amendments to Chapter 66, Zoning.

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

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Amendment. Chapter 66 of the Town Code is amended by making modifications to Article III, District Regulations, in the following particulars:

ARTICLE III. District Regulations.

Sec. 66-69. Minimum frontage, building square footage and height of residence.

Minimum Requirements: Set forth below are the minimum Frontage, building square footage and height of residence requirements:

* * *

(8) Residential structures built in the Town shall not exceed 27.5 feet in height if built on lots with Frontage of 50 feet or larger, but less than 100 feet; or 30 feet in height if built on 100-foot Frontage or larger parcel or lots. Residential structures built on Exempted Lots shall not exceed 25 feet in height. All height measurements referenced in this subsection shall be measured from the lowest habitable room finished first floor

elevation (excluding garages) to the highest ridge of the roof. The height shall be measured from the lowest habitable finished floor. The maximum height limits of this subsection shall apply to all architectural features, provided that functional chimneys may be permitted to extend no more than five (5) feet above the maximum height limits of this subsection. Additional parapet walls up to one (1) foot in height may be permitted above the maximum height limits for flat roofs where the sole purpose is to accommodate the placement of insulation and membrane material. ~~Elevator overrides serving a roof terrace shall be permitted to extend a maximum of ten feet above the permissible height provided the floor area is the minimum size necessary to facilitate the elevator cab and vestibule, and provided that such elevator is positioned as equidistant as practicable from all sides of the roof perimeter.~~

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Section 3. Amendment. Chapter 66 of the Town Code is amended by making modifications to Division 11, Accessory Buildings, of Article IV, Supplementary District Regulations, in the following particulars:

ARTICLE IV. Supplementary District Regulations.

DIVISION 11. Accessory Buildings.

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Sec. 66-261. Rooftop terraces.

(a) For purposes of this section, a rooftop terrace shall be defined as the use of exterior space on the surface of any roof or roofs of a residential structure, which is improved to support outdoor activities including but not limited to dining areas, lounges, or gardens.

(b) A rooftop terrace limited to a maximum of 50 percent of the area of the flat roof shall be permitted in accordance with subsection (c) provided it is positioned as equidistant as practicable from all sides of the roof perimeter and is set back a minimum of ten feet from the roof perimeter. A parapet or safety wall 42 inches in height shall surround the perimeter of any rooftop terrace area.

(c) Except as provided in subsection (d) below from and after February 4, 2014, rooftop terraces and elevators which provide access to a rooftop terrace shall be prohibited. Rooftop terraces and elevators which provide access to a rooftop terrace for which a building permit has been issued and construction has been either commenced or completed prior to February 4, 2014 shall be deemed legal nonconforming, provided that such rooftop terraces and elevators are constructed in accordance with all requirements of the Code of Ordinances and other applicable laws in effect on the date of permit issuance. Legal nonconforming rooftop terraces and elevators which provide access to a rooftop terrace shall not be enlarged in any manner or undergo any structural alterations except such alterations which will conform such structures to this subsection.

(d) Within Zone One rooftop terraces shall be permitted on lots larger than 7,500 square feet subject to the following limitations:

i) the habitable terrace areas shall be limited to a maximum area of 1,000 square feet.

ii) the terrace area must be set back a minimum of 10 feet from the edge of the roof in all directions except from the rear (ocean front).

iii) the terrace area shall not be improved with any permanent structures or the placement of any temporary or permanent fixtures or equipment except a safety railing up to 48 inches in height.

iv) no amplified or live music shall be permitted on the roof.

v) the elevator and any covered elevator vestibule serving the rooftop terrace shall be limited to an area of no more than 5'x10'.

* * *

Section 4. Implementation. The Town Clerk and Town Manager are hereby authorized to take any and all action necessary to implement this Ordinance and make it part of the Town Code including re-numbering or re-lettering the code references and ordering.

Section 5. Severability. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 6. Conflicts. To the extent that this Ordinance conflicts wholly or partially with any existing provision in the Town Code, the terms of this Ordinance shall prevail.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption.

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

Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Judy Lusskin	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

PASSED AND ADOPTED on first reading this 18th day of February, 2014.

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

Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Bernard Einstein	<u>Absent</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

PASSED AND ADOPTED on second reading this 18th day of March, 2014.


MAYOR GLENN SINGER

ATTEST:


LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELEMAN
TOWN ATTORNEY