

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 562.14

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66, "ZONING," ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 11 "ACCESSORY BUILDINGS," TO REGULATE PERMIT ROOFTOP ACTIVITIES AND ELEVATORS PROVIDING ROOFTOP ACCESS FOR RESIDENTIAL STRUCTURES; CREATING A NEW SECTION REGULATING BALCONIES; AMENDING CHAPTER 66, "ZONING," ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS," DIVISION 4 "SETBACK AND LOT LINE RESTRICTIONS;" 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 also desires to amend the Code in order to permit rooftop terraces and elevators which provide rooftop terrace access under limited conditions; and

WHEREAS, the Town Council also desires to amend the Code in order to regulate balconies; and

WHEREAS, the Town Council, meeting as the Local Planning Agency, considered the amendments proposed in this Ordinance on November 18, 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 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 activities.

(a) Except as specified below in this Section, the use of the roof of a residential structure for habitable activities, including, but not limited to, entertainment and other leisure and recreational activities, is prohibited.

~~For purposes of this section, a rooftop terrace shall be defined as the use of an 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) (b) Within Zone One, the rooftop of the highest roofed structure terraces shall be permitted on lots larger than 7,500 square feet may be used for habitable activities, including entertainment and other passive recreational/leisure uses subject to the following limitations:~~

- ~~i) The lot must be at least 7,500 square feet in area.~~
- ~~ii) The habitable terrace areas shall be limited to a maximum area of 1,000 square feet.~~
- ~~ii) The terrace habitable usable 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 rooftop 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. Outdoor furniture such as chairs, sofas, and tables, and pots and planters are permitted.~~

- iv) ~~n~~No amplified or live music shall be permitted on the roof.
- vi) ~~t~~The elevator and any covered elevator vestibule serving the rooftop terrace shall be limited to an area of no more than 5'x10'.

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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.

* * *

Section 66-262 – Balconies.

(a) For the purposes of this section, "balcony" means an unenclosed platform that projects from an opening in the wall of a home and has a parapet or railing. The flat roof of a residential structure (except the highest roof where there are multiple roofs) may serve as the floor of a balcony.

(b) Balconies are permitted in Zones One, Two, and Three subject to the following criteria:

i) Balconies located on the front or rear façade of a building may not extend more than four feet into the yard beyond the respective setback.

ii) Balconies located on a side façade of a building may not extend beyond the face of the exterior wall of the structure from which they project.

iii) Balconies must be accessed from the interior of the structure from which they project, and may additionally be accessed from an exterior staircase.

Secs. ~~66-262~~66-263—~~66-257~~66-275. - Reserved.

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Section 4. Amendment. Chapter 66 of the Town Code is amended by making modifications to Division 4, Setback and Lot Line Restrictions, of Article IV, Supplementary District Regulations, in the following particulars:

ARTICLE IV. Supplementary District Regulations.

DIVISION 4. Setback and Lot Line Restrictions.

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Sec. 66-137. Front and rear lot line restrictions—In Zone One.

(a) No portion of any house shall be placed closer to the east rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach. Notwithstanding the foregoing, stairs and/or terraces may be located closer to the east rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach, subject to the following restrictions:

(1) *Elevation.* The stairs and/or terraces area shall not exceed an elevation of 20 feet NVGD;

(2) *Width.* The width of the stairs and/or terraces area shall not exceed 50 percent of the width of the principal building. In addition, the stairs and/or terraces area shall be aligned on the principal building's centerline; and

(3) *Depth.* The depth of the stairs and/or terraces area shall not exceed 25 percent of the width of the principal building.

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Sec. 66-141. - Same—Projections.

(a) Chimneys may project into Setback areas a distance not to exceed 24 inches.

The width of the projecting chimney shall not exceed six feet in width.

(b) Balconies and rooftops designed to support habitable activities consistent with Section 66-261, and stairs leading to balconies or such rooftops shall not extend into side Setback areas and shall not extend more than four feet into rear or front yard Setback areas. No other steps or platforms over 36 inches in height above grade shall extend into side, rear, or front yard Setback areas. There shall be clear, unobstructed passage of not less than 36 inches between such projection and the adjacent lot line.

(c) Eaves. The lower border of a roof that meets or overhangs a building wall may project up to four (4) feet into any setback area.

(d) Eyebrows. A permanent, independent cantilevered projection over an exterior window or door, which provides cover/protection from weather, including sun and rain, shall be permitted to extend up to four (4) feet into the ten (10) foot sideyard setback. In the case of an undersized lot, eyebrows may project 1.5 feet into the 7.5 foot setback.

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Section 5. 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 6. 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 7. 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 8. Effective Date. This Ordinance shall be effective immediately upon adoption.

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

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

PASSED AND ADOPTED on first reading this 18th day of November, 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>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Nay</u>
Councilmember Amy Isackson-Rojas	<u>Nay</u>

PASSED AND ADOPTED on second reading this 20th day of January, 2015.


MAYOR GLENN SINGER

ATTEST:


LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELFMAN
TOWN ATTORNEY