

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 551.11

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66, ZONING, SPECIFICALLY BY AMENDING ARTICLE I, ENTITLED "IN GENERAL," ARTICLE III, ENTITLED "DISTRICT REGULATIONS," AND ARTICLE IV, ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS," TO EFFECTUATE CLEAN-UP AND UPDATE OF LAND DEVELOPMENT REGULATIONS TO ADDRESS DEVELOPMENT CONCERNS IDENTIFIED BY THE BUILDING OFFICIAL; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Building Official has identified a number of areas within Chapter 66 of the Town Code which are unnecessarily vague, confusing, and/or difficult to implement, and has proposed corrections and amendments to Chapter 66, Zoning; and

WHEREAS, the Building Official's proposals were reviewed by the Building Regulation Advisory Board on April 28, 2011, and recommendations were made to the Town Council; and

WHEREAS, the Building Official's proposals and the recommendations of the Building Regulation Advisory Board were reviewed by the Town Council meeting as the Local Planning Agency on April 28, 2011 and May 10, 2011, and direction was provided to the Town Manager and Building Official; 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 this matter on October 18th, 2011 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 Articles I, III, and IV, in the following particulars:

"ARTICLE I. IN GENERAL

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Section 66-6. General Construction Requirements.

(a) All exterior coverings of all roofs in the Town shall be either clay, cement, or ceramic tile, or other roof covering determined to be appropriate for the architectural style of the structure by the Building Regulation Advisory Board.

* * *

(d) No factory manufactured home or residence shall be constructed, erected, placed or maintained on a lot within the Town. A temporary construction trailer may be permitted while a building permit for new construction is in active status provided the trailer is the minimum size to

facilitate construction operations and is located in the front yard within the construction fence, a minimum of ten (10) feet from any property line. The property owner shall post a bond or provide a letter of credit satisfactory to the Building Official to provide for removal of the trailer in the event it is not removed by the contractor upon permit lapse, termination, or issuance of a certificate of occupancy.

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(i) Retention precast stem walls or solid masonry walls shall be required at all new construction projects to contain water runoff from impacting adjacent properties.

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Section 66-8. Fire prevention.

No structure of any kind, permanent or temporary, shall be erected, remodeled or enlarged within the Town unless all exterior walls, columns, chimneys, fireplaces and vents from heaters, stoves, etc., of such buildings or additions are built with materials and methods that are in accordance with the Florida Building Code and National Fire Prevention Code. ~~of brick, clay tile, concrete, concrete products, steel, cast iron, aluminum or other metals, masonry or stone. No existing structure within the Town shall be added to with exterior walls or columns which are constructed of, or include, lumber or other inflammable materials, unless the wood to be used is fire retardant pressure treated in a plant. This type of structure can also be re-built, in case of damage sustained by reasons not under the control of the owner, using the same type of construction~~

~~materials as were used in the structure prior to the damage but wood must be fire retardant treated. No structural addition constructed of wood exterior walls or columns shall be permitted on existing masonry structures unless a variance is applied for, and granted in extenuating circumstances, permitting the use of wood which has been fire retardant pressure treated in a plant.~~

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ARTICLE III. DISTRICT REGULATIONS.

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

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(5) The following lots are exempted from this section except as noted in paragraph (1) above:

~~* * *~~

b. Any improved lot with less than the full lot size required but at least 7,500 square feet of lot area and 50 feet of lot frontage may be redeveloped provided total impervious area does not exceed 50% of the lot area, minimum front and rear setbacks of 30 feet are provided, minimum side setbacks of 7.5 feet are provided, and building height does not exceed 25 feet. Such construction on undersized lots shall meet all other requirements of these land development regulations not modified in this sub-section.

~~* * *~~

(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. Elevator overrides serving a roof terrace shall be permitted to extend a maximum of ten (10) 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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ARTICLE IV. SUPPLEMENTARY REGULATIONS

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~~Section 66-93. Recreational Facilities~~

~~Tennis courts, basketball courts, or similar outdoor recreational facilities may be constructed in any Residential District provided:~~

- a) ~~The entire recreational facility is set back a minimum of 25 feet from front and rear lot lines, and a minimum of 10 feet from any side lot line~~
- b) ~~The perimeter of the recreation facility area is fenced with a minimum 10-foot high black or green vinyl clad fence, and~~

otherwise obscured from view of adjacent properties or the right of way by hedges and landscape material.

- e) Recreational facilities may be lit provided a photometric study establishes to the Building Official's satisfaction that no light will spill onto adjacent properties or the right of way. The position of the lights shall be adjusted immediately upon request of the Building Official to ensure that light does not impact adjacent properties or the right of way. Lights may not be operated between the hours of 11 PM and 7 AM.

Section 66-94. Hurricane Shutters.

Hurricane shutters of any type allowed by the Florida Building Code may be used to temporarily secure property subject to the following limitations:

- a) Upon the earliest warning or watch declared by the National Weather Service prior to a storm event, such as a tropical depression, tropical storm, or hurricane, and for up to 45 days after such declared storm event.
- b) At any other time, for a period not to exceed ten (10) consecutive calendar days.
- c) On or before the lapse of such time period, the hurricane shutters shall be removed and remain off of the structure for at least ten (10) consecutive calendar days unless a storm event is declared during that time period.

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Section 66-101. House and garage floors.

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(c) A garage shall not ~~If it is anticipated that the garage might be converted to a living space of the structure, unless then the elevation of the garage floor complies or is made to comply with or conform to flood plan criteria and regulatory codes as set forth by Miami-Dade County, the State of Florida, and the United States Government including the provisions of the National Flood Insurance Program, the Florida Building Code, this chapter, the Coastal Construction Code, and all other applicable provisions of this Code of Ordinances not be lower than one foot below the minimum elevation of the first floor of the structure. If this condition is not met, then the garage can never be converted to a living space of the house or structure maintaining the constructed elevation. However, any existing garage could be converted to living space if the elevation of the finished floor of the converted space is constructed at the minimum flood elevation and the proper permits are obtained.~~

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Section 66-136. Side line restrictions between adjoining lots.

1. For lots or any combination of lots with ~~between~~ greater than 50 feet and up to 100 feet of frontage; no portion of any building shall be closer than ten feet from each side of any lot or combination of lots property line.
2. For lots or any combination of lots with greater than 100 feet of frontage; no portion of any building shall be closer than 10 percent of the width of the frontage of the lot(s), up to a maximum required setback of 15 feet from each side property line of the site.

Section 66-137. Front and rear lot line restrictions – In Zone One.

(c) A garage and ~~gatehouse~~ structure may be built separate from the main house, in which event it shall be set back a minimum of ~~placed at least~~ 20 feet from, ~~east of~~ the west property line, and at least 10 feet from any side property line. Such garage may be constructed with a second floor to be used as guest or servant's quarters. Where constructed with a second story, the front wall shall be set back an additional one (1) foot for each one (1) foot of total building height above the first 18 feet. If the main house and the garage or ~~guesthouse~~ are separated, the yard space bounded by the front face of the house and the side and front setbacks applicable to the garage structure shall provide a minimum 2,200 square feet of landscape or hardscape that is otherwise unimproved with any permanent structure, except that a ~~there shall be provided between the house structure and the garage or gatehouse structure, a clear yard space of a minimum of 2,200 square feet,~~ in which case a covered walkway to

connect the structures, with one or both sides entirely open, the width of which does not exceed ten feet, may be erected within such yard space.

* * *

Section 66-140. Setback areas – Generally.

(a) No structure, the height of which shall exceed 36 inches above the crown of the road adjacent to the lot shall be constructed in any Setback, with the exception of mechanical equipment, that can be constructed in such a way that its bottom is located at the required base flood elevation as established by the Flood Insurance Rate Map (FIRM), and any subsequent revised map adopted by the National Flood Insurance Program. A maximum of four (4) distinct pieces of mechanical equipment, including pool pumps and related pool heater equipment, may be installed a minimum of 10 feet from any property line.

(b) All mechanical ~~The equipment installed under the provision of this section~~ shall be appropriately and aesthetically screened and landscaped to minimize poor aesthetic appearance and maximize noise abatement to limit ~~and~~ transmission of sound.

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Section 66-186. Height restrictions.

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(f) All heights stated in this section are measured from the finished ground floor of the site where the fence is to be built. For fences abutting a street, the maximum level of the top of the fence shall be four feet above the finished site elevation without any berming or six feet above the maximum

elevation of the crown of the road adjacent to the property whichever is the highest. Pilasters may exceed the maximum fence height by up to one (1) foot, and operable gates may exceed the maximum fence height by three (3) feet. Ornamental features, such as lights or decorative castings, a maximum 24 inches in height may be erected on top of a maximum of four (4) pilasters. No berm shall be permitted in the street right of way. Fences erected along the right-of-way must be fully screened with landscaping including hedges or vines screening their full height.

(g) Throughout Zones One and Two, vacant lots within the town shall be secured on all four (4) sides. A white vinyl picket fence at least three feet in height shall be placed along the perimeter of the property adjacent to a right-of-way. Along the right-of-way frontage, the yard area outside the fence shall be improved with basic irrigation and planted with accent plant material and sod.

Section 66-187. Construction materials.

Throughout Zones One, Two and Three, live Hedges may be grown in lieu of masonry built walls or fences, subject to the same height restrictions applicable in the zone. Walls and fences of plywood, composition materials, simulated wood, or sheet metal are prohibited. However, a rail type open fence may be permitted if the wood rails are set between piers not less than 21 inches square built of brick or stone or in the alternative wooden uprights of a minimum size of six inches by six inches and spaced not more than 12 feet apart. Rails may not be smaller than four inches by

four inches. Chain-link Cyclone-type wire fences or equal are permitted along rear and side yards where all fence components, including framing members, are covered in green or black vinyl. Alternatively, rear and side yards may be enclosed by white vinyl picket or solid panel fencing. Where chain-link, picket, or solid panel fencing is used, such fencing shall be fully screened by hedge plant material for the full height of the fence. In Zones Two and Three, piling shall be required under all piers, pilasters and walls for fences and for flower boxes which may not be cantilevered from beams, except that wooden uprights as referenced above, shall not need pilings, but shall penetrate into the ground a minimum of three feet and be encased in a concrete footing with a minimum thickness of one foot measured from the edge of the wooden upright. All fences shall be finished or constructed in such manner as to have the same appearance, design and finish on each side.

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Section 66-202. Attachment to structure.

(a) In Zone One, garages may be attached to or separate from either to the main house, or to the gatehouse structure.

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Section 66-222. Materials permitted.

All driveways shall be paved with ~~asphalt~~, concrete blocks, paving bricks or other permanently fixed material (no loose rocks, stones, gravel, or sand) approved by the Building Regulation Advisory Board. Unfinished gravel driveways are not permitted. All existing loose Chatahoochee stone

driveways may remain in such state until such time as they are subject to be replaced, repaired or renewed, when they shall be reconstructed as provided in this division.

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Section 66-251. Cabanas/Gazebos.

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(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:

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(4) The maximum size of a gazebo shall be 150 square feet of roofed area.

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Section 66-260. Rooftop Mechanical Equipment.

Rooftop mechanical equipment may be placed on flat roofs only and shall be maintained a minimum of ten (10) feet from the roof perimeter. Such mechanical equipment may extend a maximum of 48 inches in height above the roof elevation. Where the mechanical equipment extends greater than 42 inches above the roof elevation, screen material 54 inches in height above the roof elevation shall be required to screen the mechanical equipment from view of adjacent properties and public rights-of-way.

Section 66-261. Rooftop Terraces.

A rooftop terrace limited to a maximum of 50% of the area of the flat roof shall be permitted provided it is positioned as equidistant as practicable from all sides of the roof perimeter and is set back a minimum of ten (10) feet from the roof perimeter. A parapet or safety wall 42 inches in height shall surround the perimeter of any rooftop terrace area.

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Section 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall be effective immediately upon adoption.

Sponsored by Town Administration.

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

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

PASSED on first reading this 18th day of October, 2011.

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

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

PASSED AND ADOPTED on second reading this 15th day of November, 2011.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY