

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 577.18

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES TO REVISE CHAPTER 66, "ZONING," BY AMENDING THE TITLE OF DIVISION 11 "ACCESSORY BUILDINGS: AND BY AMENDING SECTION 66-261 RELATED TO ROOFTOP ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

1 **WHEREAS**, the Town Council periodically studies land development trends and
2 issues and amends the Town's Land Development Regulations accordingly; and

3 **WHEREAS**, the Town Council has studied the current Code provisions of the Town
4 and found that certain modifications are necessary and desirable to further regulate rooftop
5 activities and uses, including rooftop elevator vestibules and exterior staircases on single-
6 family homes; and

7 **WHEREAS**, a public meeting was held before the Local Planning Agency (LPA) of
8 the Town to review the proposed modifications to the Town's Land Development
9 Regulations; and

10 **WHEREAS**, the Town Council held duly advertised public meetings to consider the
11 proposed modifications to the Town's Land Development Regulations.

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

14 **Section 1. Recitals Adopted.** That the preceding "Whereas" clauses are
15 ratified and incorporated as a record of the legislative intent of this Ordinance.

16 **Section 2. Code Amended.** That the Town of Golden Beach Code is hereby
17 amended to modify Division 11. "Accessory Buildings," of Article IV, "Supplemental District
18 Regulations," of Chapter 66, "Zoning" as follows¹:

19 **CHAPTER 66 ZONING**

20 * * *

21 **ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS**

22 * * *

23 **DIVISION 11. ACCESSORY BUILDINGS AND USES**

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26 **Sec. 66-261. – Rooftop activities.**

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

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32 (b) Within Zone One, the roof of the highest roofed structure may be used for
33 passive leisure habitable activities, including entertainment and other passive
34 recreational / leisure uses subject to the following limitations:

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36 (1) The lot must be at least 7,500 square feet in area.

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38 (2) The usable area must be set back a minimum of ten feet from the edge of
39 the roof in all directions except from the rear (ocean front).

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41 (3) The rooftop area shall not be improved with any permanent structures or the
42 placement of any temporary or permanent fixtures or equipment except a
43 safety railing up to 48 inches in height. Outdoor furniture such as chairs,
44 sofas, and tables, and pots and planters are permitted. Additionally, with the
45 approval of the Building Regulatory Advisory Board or on appeal to the Town
46 Council, a single water amenity (i.e. a hot tub/spa) may be placed on the
47 rooftop.

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49 (4) No amplified or live music shall be permitted on the roof.

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51 (5) ~~The An~~ elevator and any covered elevator vestibule serving the rooftop shall
52 be limited to an area of no more than ~~five feet by ten feet~~ 110 square feet.
53 Any elevator and any covered elevator vestibule, if permitted, shall be placed
54 near the center of the rooftop, but not less than 7.5 feet from the edge of the
55 roof on lots less than 75 feet in width, or less than 10 feet from the edge of
56 the roof on lots 75 feet or more in width.

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~striketrough~~.

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(6) Staircases may extend from lower floors or the ground level to the rooftop, but must comply with the setback and yard projection provisions set forth in Sec. 66-141(b). Safety railings up to 48 inches in height for staircases are allowed, provided they meet the above setback and yard projections. Once at the rooftop railings must terminate at or connect directly to any railings surrounding the usable passive leisure activity area set forth in subsection (2) above. Any portion of a staircase railing constructed above the rooftop shall be designed with an open appearance (no walls).

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Section 3. Code Amended. That is any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

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Section 4. Codification. That it is the intention of the Town Council of Golden Beach, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Golden Beach Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

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Section 5. Repealer. That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

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Section 6. Effective Date. That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

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

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Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Judy Luskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Absent</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>

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92 **PASSED AND ADOPTED** on first reading this 23rd day of January, 2018.

93 The Motion to adopt the foregoing Ordinance was offered by Vice Mayor

94 Luskin, seconded by Councilmember Rojas, and on roll call the following vote

95 ensued:

96 Mayor Glenn Singer Aye

97 Vice-Mayor Judy Luskin Aye

98 Councilmember Amy Isackson-Rojas Aye

99 Councilmember Kenneth Bernstein Aye

100 Councilmember Jaime Mendal Aye

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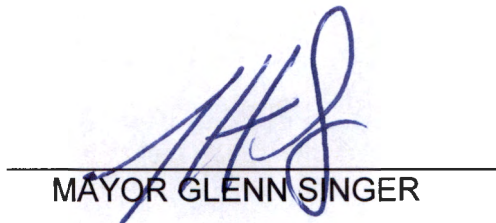
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103 **PASSED AND ADOPTED** on second reading this 20th day of February,

104 2018.

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106 ATTEST:



MAYOR GLENN SINGER

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LISSETTE PEREZ
TOWN CLERK

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115 APPROVED AS TO FORM

116 AND LEGAL SUFFICIENCY:

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STEPHEN J. HELFMAN
TOWN ATTORNEY

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