



TOWN OF GOLDEN BEACH

**One Golden Beach Drive
Golden Beach, FL 33160**

**Official Agenda for the May 15, 2018
Local Planning Agency Hearing called for 7:00 P.M.**

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. ADOPTION OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

1. An Ordinance of the Town Council Amending the Town's Code To Revise Chapter 66, "Zoning."

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 66-251 RELATED TO GAZEBOs, CABANAS AND PERGOLAS, AMENDING SECTION 66-1 DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 579.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 579.18

2. An Ordinance of the Town Council Amending the Town's Code Related to Swimming Pools, Hot Tubs, Spas, and Swimming Pool Decks.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO SWIMMING POOLS, HOT TUBS, SPAS AND SWIMMING POOL DECKS; AMENDING SECTION 66-1 OF THE ZONING CODE RELATED TO DEFINITIONS; AMENDING THE TITLE OF ARTICLE IV, DIVISION 10 OF THE ZONING CODE TO INCLUDE HOT TUBS AND SPAS; AMENDING SECTION 66-236 OF THE CODE RELATED TO SAFETY BARRIERS; AMENDING SECTION 66-237 OF THE CODE RELATED TO SETBACKS AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Ordinance No. 580.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 580.18

3. An Ordinance of the Town Council Amending the Town's Code as it Relates to Seawalls.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE IV OF CHAPTER 46 ENTITLED WATERWAYS TO REQUIRE ADDITIONAL CONSTRUCTION SURVEYS AND CERTIFICATION OF SEAWALLS AS THEY ARE CONSTRUCTED AND INCREASING MINIMUM AND MAXIMUM SEAWALL HEIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 3
Ordinance No. 581.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 581.18

4. An Ordinance of the Town Council Amending the Town's Code Creating Regulations for Outdoor Lighting.

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING DIVISION 4, DESIGN STANDARDS, OF CHAPTER 66, ZONING, TO CREATE REGULATIONS FOR OUTDOOR LIGHTING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 4
Ordinance No. 582.18

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 582.18

D. ADJOURNMENT:

DECORUM:

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COUNCIL SHALL BE BARRED FROM THE COUNCIL CHAMBERS BY THE PRESIDING OFFICER.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACE CARDS SHALL BE ALLOWED IN THE COUNCIL CHAMBERS. PERSONS EXITING THE COUNCIL CHAMBERS SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COUNCIL CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS.

PURSUANT TO FLORIDA STATUTE 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR THAT PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHER INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IF YOU NEED ASSISTANCE TO ATTEND THIS MEETING AND PARTICIPATE, PLEASE CALL THE TOWN MANAGER AT 305-932-0744 EXT 224 AT LEAST 24 HOURS PRIOR TO THE MEETING. RESIDENTS AND MEMBERS OF THE PUBLIC ARE WELCOMED AND INVITED TO ATTEND.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 17, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Item Number:

1

Subject: Ordinance No. 579.18 – Amending Code, Chapter 66, “Zoning”
Division 11, “Accessory Buildings”

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 579.18 as presented.

Background:

This item amends Ordinance 571.16 to correct zoning use in Zones 2 and 3, by eliminating the use of cabanas in those zones. This item also adds definitions for structures (i.e. cabanas, gazebos, and pergolas) and their uses.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 579.18

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 66-251 RELATED TO GAZEBOS, CABANAS AND PERGOLAS, AMENDING SECTION 66-1 DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

Section 1. Recitals Adopted. That the preceding “Whereas” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

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

CHAPTER 66 ZONING

* * *

ARTICLE I. - IN GENERAL

* * *

Sec. 66-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Cabana means an accessory structure with a roof and walls and without cooking facilities. A cabana may be air-conditioned and contain a bathroom, but shall not be designed or used as a solarium.

* * *

~~*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.

* * *

Pergola means an accessory structure, open on all sides, with colonnades or pillars supporting an open roof of girders and cross rafters.

* * *

ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS

* * *

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strike through~~. Additions added between first and second reading are shown in double underline.

DIVISION 11. ACCESSORY BUILDINGS

* * *

Sec. 66-251. - Cabanas/Gazebos/Pergolas.

- (a) In Zones One, ~~Two and Three, one, and only one,~~ cabana, gazebo or pergola or similar structure separate from the main house structure may be permitted to be erected and only within the rear yard. The ~~covered/roofed~~ area of such structure, whether covered with roofing, trellis or open rafters, shall not exceed two percent of the net lot area up to a maximum floor area of 500 square feet. The roofed area measurement shall not include eaves or overhangs.
- (b) In Zones Two and Three, one pergola or gazebo separate from the main house structure may be permitted to be erected and only within the rear yard. The roofed area of such structure shall not exceed two percent of the lot area up to a maximum floor area of 500 square feet. The roofed area measurement shall not include eaves or overhangs. Cabanas are not permitted.
- (c) Within Zone One, no part thereof shall be east of a line joining the corners of the nearest existing similar structures nor shall any part be within 50 feet of the Mean High Water Line. Such structure may be built to the lot lines. Side line and east lot line clearance is not required. Setbacks for such structures are not required on the side lot line.
- (~~d~~e) In Zone Two the structure must be placed at least ten feet from the side lot line and ten feet from the rear lot line.
- (~~e~~) In Zone Three the structure must be placed at least ten feet from the side lot line and 15 feet from the rear lot line.
- (~~f~~e) No structure permitted under this section shall exceed one story or a height of 15 feet above BFE.
- (~~g~~f) Structures, other than Ppergolas, under this section must contain matching roof slopes and detailing similar to the principal structure;
- (~~h~~g) The roof of the structure shall not be used as a solarium or for any similar purposes.

* * *

Sec. 66-252. - Accessory buildings, boathouses, etc.

- a) ~~No auxiliary structure,~~ out building or enclosed boathouse is permitted to be built within any lot in Zones Two and Three on the waterside of lots on the east coast waterways and channels tributary thereto.
- (b) Boat slips within the area described in subsection (a) of this section may be constructed on lots with water Frontage of 100 feet and over, providing such slips are built with walls of like Construction as the seawalls. Enclosures

around and over such slips are not permitted. Size of such slips may not be larger than 15 feet wide by 35 feet deep (length).
(c) Docks may be constructed, but no canopy over them shall be erected.

* * *

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.

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.

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.

Section 6. Effective Date. That this Ordinance shall be in full force and take effect immediately upon its passage and 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 Jaime Mendal	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>

PASSED AND ADOPTED on first reading this 17th day of April, 2018.

The Motion to adopt the foregoing Ordinance was offered by _____,

seconded by _____, and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice Mayor Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Lusskin	_____

PASSED AND ADOPTED on second reading this 15th day of May, 2018.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 17, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

Item Number:

2

Subject: Ordinance No. 580.18 – Amending Code, Section 66-1; Article IV, Division 10; Section 66-236; and Section 66-237 Related to Swimming Pools, Hot Tubs, Spas and Swimming Pool Decks.

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 580.18 as presented.

Background:

I agree to the recommendation found in the attached staff report.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 580.18

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING SECTION 66-1 OF THE ZONING CODE RELATED TO DEFINITIONS; AMENDING THE TITLE OF ARTICLE IV, DIVISION 10 OF THE ZONING CODE TO INCLUDE HOT TUBS AND SPAS; AMENDING SECTION 66-236 OF THE CODE RELATED TO SAFETY BARRIERS FOR POOLS, HOT TUBS AND SPAS; AMENDING SECTION 66-237 OF THE CODE RELATED TO SETBACKS FOR POOLS, HOT TUBS, SPAS AND POOL DECKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Town Council has studied the current Code provisions of the Town and find that certain modifications are necessary and desirable to further regulate the design and location of swimming pools, hot tubs, spas and related decking; and

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

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

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

Section 1. Recitals Adopted. That the preceding “Whereas” clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. Code Amended. That the Town of Golden Beach Code is hereby amended to modify Section 66-1, the title of Article IV - Division 10, Section 66-236 and Section 66-237 to address the design and location of swimming pools, hot tubs, spas and related decking in the Town, as more fully set forth in the attached Exhibit “A”, and by reference made a part hereof.

Section 3. Code Amended. That if 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.

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.

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.

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

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

Mayor Glenn Singer	_____
Vice-Mayor Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Luskin	_____

PASSED AND ADOPTED on first reading this 17th day of April, 2018.

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

Mayor Glenn Singer	_____
Vice-Mayor Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Luskin	_____

PASSED AND ADOPTED on second reading this ____ day of _____, 2018.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

EXHIBIT "A"

The Town of Golden Beach, Florida Code of Ordinances is hereby amended as follows:

CHAPTER 66

ZONING ARTICLE I. IN GENERAL

Sec. 66-1. – Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hot Tub or Spa. A large tub or small pool, typically designed for more than one person and often heated, water-filled enclosure, permanently constructed below the level of the surrounding land or above-surface, designed, used and maintained for hydrotherapy, relaxation or pleasure.

Swimming Pool. A water-filled enclosure, permanently constructed ~~or portable,~~ having a depth of more than eighteen (18) inches below the level of the surrounding land, ~~or an above-surface pool, having a depth of more than thirty (30) inches,~~ designed, used and maintained for swimming.

Swimming Pool Deck. A landscaped and/or surfaced area surrounding a swimming pool, hot tub or spa at grade level. A Swimming Pool Deck can have multiple levels.

Terrace. A landscaped and/or surfaced area, also referred to as a patio, directly adjacent to a principal building at or within three feet of finished grade not covered by a permanent roof.

Adopted: 1989 / Revised 1995 / Revised 1997 / Revised 1998 / Revised 2007 / Revised 2011 / Proposed Amendment 2017

* * *

ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS

DIVISION 10. SWIMMING POOLS, HOT TUBS AND SPAS

Sec. 66-236. - Safety barrier required.

Any swimming pool, Hot Tub or Spa constructed in the Town shall be protected by a safety barrier approved by the Building Official.

Adopted: 1989 / Proposed Amendment 2017

Sec. 66-237. - Setback areas.


- (a) In Zones One, Two and Three, no screened-in or enclosed structures will be permitted in Setback areas, except for cabanas in Zone One in accordance with section 66-251.
- (b) Swimming Pools, Hot Tubs and Spas may be built in rear or side Setback areas providing they are not less than ten feet from waterways or property lines. No Swimming Pool, Hot Tub or Spa shall be placed in a front or street-side (corner lot) Setback area.
- (c) In-ground Swimming Pools, Hot Tubs and Spas shall not exceed two (2) feet above a grade level Swimming Pool Deck, patio, or Terrace.
- (d) Swimming Pool equipment must comply with the requirements for setbacks and quantity listed in subsection 66-140.
- (e) The construction of any Swimming Pool, Hot Tub, Spa or Swimming Pool Deck shall be subject to approval by the Building Regulation Advisory Board. Plans showing the location of the aforementioned new or replacement facilities shall be provided to the building department prior to the issuance of a permit. A sample of the decking material will be required when submitting an application.
- (f) No portion of a Swimming Pool Deck shall be placed closer than five (5) feet to a side or rear lot line. No portion of a Swimming Pool Deck shall be placed in the front yard Setback area.

Adopted: 1989 / Proposed Amendment 2017

* * *

**TOWN OF GOLDEN BEACH
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Alex Diaz – Town Manager
Linda Epperson – Bldg. and Zoning Department Director
Town of Golden Beach

From: Michael J. Miller, AICP 
Consultant Town Planner

Date: January 17, 2018

Subject: Town of Golden Beach
Land Development Code Update
Setbacks – Swimming Pools / Pool Decks / Hot Tubs / Spas
MMPA Acct. No. 04-0101-0003

ISSUE / BACKGROUND

The Town's existing Zoning Code (Sec. 66-237) has very limited regulations governing the placement of swimming pools (10 feet from any property line / waterways). The Code is silent as to any regulations for related uses including swimming pool decks, hot tubs and spas. This has caused confusion and conflict between Town staff reviewers, designers, contractors and land owners. As part of the Town's ongoing Code updating MMPA was requested to study this issue and suggest possible Code modifications.

ANALYSIS

The Town Code does currently contain definitions for these common accessory uses. MMPA researched several sources for common definitions and suggests the Town adopt them (Sec. 66-1).

Section 66-236 requires a safety barrier for only swimming pools – not hot tubs or spas. Often these are part of or near a pool and can become a safety issue for children.

Section 66-237 addresses screen enclosures and swimming pools. Screen enclosures must adhere to normal Zone One / Two / Three setback requirements. Subsection (b) restricts pools from being constructed less than 10-feet from waterways or property lines. This would include "front" yards and secondary "front" yards on corner lots. MMPA believes the policy of the Town has been to restrict pools in any "front" yard area adjoining a roadway (appearance / privacy). The Code is silent as to Hot Tubs and Spas. Finally, there are no regulations governing swimming pool decks. During our single-family home permit reviews some designs propose patios / terraces / decks / swimming pool

decks right up to the side / rear property lines. Since the Florida Building Code and local codes require drainage from the site to be kept onsite and typically the side / rear lot lines are sloped to capture / drain storm waters to onsite storage areas with overflow to the streets have a hard surface at a property line is bad. This is particularly true along seawalls where storm waters carrying chlorine from swimming pools / fertilizer / chemicals can flow into the waterways (canals), which is prohibited by the Federal EPA NPDES permit. Commonly a strip of landscaping along the seawall and drainage pipes are installed to capture / treat the runoff. The suggested setback dimensions are similar / the same as other high quality communities such as Bal Harbor Village and Bay harbor Islands.

RECOMMENDATION

MMPA suggests the Town Council consider the adoption of the proposed Ordinance.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 17, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Item Number:

3

Subject: Ordinance No. 581.18 – Amending Code, Article IV of Chapter
46 As It Relates to Seawalls.

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 581.18 as presented.

Background:

I agree to the recommendation found in the attached staff report.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 581.18

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE IV OF CHAPTER 46 ENTITLED WATERWAYS TO REQUIRE ADDITIONAL CONSTRUCTION SURVEYS AND CERTIFICATION OF SEAWALLS AS THEY ARE CONSTRUCTED AND INCREASING MINIMUM AND MAXIMUM SEAWALL HEIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Town Council has studied the current Code provisions of the Town and find that certain modifications are necessary and desirable to update various requirements for Seawall construction; and

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

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

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

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

Section 2. Code Amended. That the Town of Golden Beach Code is hereby amended to modify Chapter 46 - Waterways of the Code of Ordinances as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3. Severability. That if 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.

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.

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.

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

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

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

PASSED AND ADOPTED on first reading this 17th day of April, 2018.

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

Mayor Glenn Singer	_____
Vice Mayor Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Lusskin	_____

PASSED AND ADOPTED on second reading this 15th day of May, 2018.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

EXHIBIT "A"

**The Town of Golden Beach, Florida Code of Ordinances
is hereby amended as follows:**

CHAPTER 46 WATERWAYS

ARTICLE IV. SEAWALLS AND DOCKS

Sec. 46-76. - Seawalls required.

Seawalls shall be required on all property adjacent to any waterfront, other than the Atlantic Ocean. It shall be unlawful for any Owner of property adjacent to any waterfront, other than the Atlantic Ocean, to fail to have a seawall or fail to maintain a seawall or bulkhead in accordance with the requirements and specifications of this article.

Sec. 46-77. - Building permit required for seawalls and docks.

No Person shall construct a dock or seawall without first applying for and obtaining a building permit from the Town and other applicable jurisdictions. The building permit fee and cash bond shall be established by resolution and posted in accordance with the approved plan and specifications.

Sec. 46-78. - Design, construction of seawalls.

All seawalls shall be designed and certified by a registered engineer proficient in structural design to prepare such plans and constructed by a licensed contractor in substantial accordance with the permit plans and specifications approved in advance by the Building Official.

Sec. 46-79. - Inspection.

(a) The seawall shall be built in substantial accordance with the approved plan and specifications and shall be subject to proper inspection by the Building Official-Inspector during its construction.

(1) As part of a building permit application to construct a new seawall or modify an existing seawall, two (2) copies of a physical lot survey (conducted within the last 6 months) shall be provided to the Town. The survey shall show spot elevations of the existing seawall at each edge of the lot and at 20-foot intervals along the seawall using the North American Vertical Datum of 1988 (NAVD-88), the exact location of the existing or proposed seawall, the width of the seawall cap and any supporting structures, and the location of related structures (docks / pilings / rip-rap / etc.).

(2) Immediately after installation of the piles, an inspection and corresponding pile log shall be submitted to Town, showing pile location and pile capacity. The pile log

shall be reviewed and approved by the Town's building department prior to erecting the seawall forms.

(3) Upon the completion of the installation of the seawall forms, two (2) updated surveys shall be provided to the Town showing the proposed location of the seawall and indicating conformance with approved plans. The surveys must be reviewed and approved by the Town's building department, prior to scheduling the required field inspection and before any concrete is poured.

(4) Upon completion of the seawall construction two (2) updated signed and sealed as-built surveys shall be submitted to Town. Surveys shall show the finished elevation of the seawall height above NAVD-88 at the same intervals set forth in subsection (1) above, indicating the location and thickness of the seawall and, the width and thickness of the seawall cap. A final inspection may then be scheduled with the building department.

Sec. 46-80. - Completion of construction, approval.

Seawalls, when completed and backfilled to grade, shall be plumb and the coping straight before final acceptance by the Town and release of the bond.

Sec. 46-81. - Extension of seawall into waterways.

No part of any seawall, including slabs may extend beyond any lot property line into any waterway in the Town. The piles and cap beam may encroach into the waterway, if approved by the agency having jurisdiction. If during the construction of a new seawall or renovation of an existing seawall it is found that portions of the existing seawall encroach into a public waterway adjoining a lot, those portions of the seawall encroachment shall be modified or removed, unless a variance is granted by the Town. See section 46-86 below for the definition of legal nonconformity, and requirements for modification, removal, and compliance with the new standards.

Sec. 46-82. - Use of concrete slab.

All seawalls shall be built of reinforced concrete, with a cap-beam and be supported on pilings. Repairs to existing seawalls may incorporate other methods of construction and materials such as precast panels, sheet metal pilings and batter piles so long as they are consistent with the original design and appearance of the existing seawall and the majority of seawalls existing within the Town. No other type of seawall construction, including rip-rap, shall be permitted.

Sec. 46-83. - Repair and replacement.

The Town Council finds that docks and seawalls, if deteriorated, broken, cracked or in a state of disrepair, are unsafe structures and shall be repaired or replaced after notice to repair is served on the Owner as provided in section 14-31.

Sec. 46-84. - General specifications for docks.

No dock shall be permitted to be constructed, repaired, or reconstructed within the limits of the Town which shall extend more than six feet outside the lot property line into an

inside (width of 100 feet or less) waterway nor more than ten feet outside the lot property line into an outside (width greater than 100 feet) waterway.

Sec. 46-85. Height of seawalls and docks and extensions of deck of dock.

No ~~seawall and no~~ deck of any dock shall exceed an elevation of ~~five~~ 3.425 feet above the North American Vertical Datum of 1988 (NAVD-88) ~~National Geodetic Vertical Datum (N.G.V.D.)~~. ~~Dock decks shall not extend more than six feet behind the seawall and~~ No cover shall be permitted to be erected in connection with any dock. The minimum elevation of the top of any seawall shall be ~~four~~ 3.425 feet above NAVD-88 ~~the N.G.V.D.~~ and the maximum elevation shall be 4.425 feet NAVD-88. For general historical information only, the May 8, 2018 amendment to this section, converted measurements from N.G.V.D. to NAVD resulting in revised seawall heights from a minimum of 4 feet N.G.V.D. to a minimum of 5 feet N.G.V.D. and from a maximum of 5 feet N.G.V.D. to a maximum of 6 feet N.G.V.D.

Sec. 46-86. - Application of article and nonconforming seawalls.

(a) All properties, except as provided for in subsection (b), shall comply with and be subject to the requirements of this article.

(b) Any legal nonconforming seawall (a seawall which conformed with applicable regulations when constructed) lawfully existing prior to the effective date of any ordinance rendering such structure nonconforming, may be maintained so long as it remains otherwise lawful, unless and until one of the following occurs:

(1) Improvements, repair, or construction of a structure on the property upon which the nonconforming seawall exists, which in the opinion of the Building Official, the cost of said construction exceeds 50 percent of the assessed value of the structure for that year;

(2) Demolition of the primary structure on the property upon which the nonconforming seawall exists;

(3) In the opinion of the Building Official, the Owner intends to materially alter the seawall structure;

(4) The Building Official makes a determination that the modification or alteration of the nonconforming seawall is necessary to protect the health, safety and welfare of the Town residents.

(5) Transfer of the property by any means.

a. Prior to transfer of Title Ownership of any property and within 60 days prior to the scheduled closing date, the current owner must document the current condition of the existing seawall and provide such documentation to the Town and prospective purchaser, except when Title transfers to an immediate family member or to a Trust held by an immediate family member.

1. A report shall be made by a registered engineer proficient in design engineering, providing scientific and engineering evidence that the seawall is in good condition with adequate penetration and toe protection to avoid settlement, toe failure, or loss of material from beneath or behind the seawall.

2. A cover letter to the report, signed and sealed by the engineer, shall be provided and contain engineering certifications as to 1. The overall seawall condition, 2. The determination of the likely remaining design life. 3. Any recommendations for the repairs currently needed for the seawall and for a long term repair basis, and 4. The current height of the elevation of the top of the seawall cap which such measurement shall be made in accordance with NAVD-88 guidelines.
 3. Such report shall be accompanied by an affidavit of the prospective purchaser acknowledging receipt of a copy of the report, the existing conditions and that all deficiencies in the report must be corrected and a building permit to correct said deficiencies filed within 180 days following the closing date of the sale.
- b. Any deficiencies noted in the report shall be corrected and a building permit application submitted within a 180 day period following the scheduled closing on the property to remedy the deficiencies, this includes raising the seawall cap if it is not in accordance to NAVD-88 requirements.

Sec. 46-87. - Proximity of lot lines.

(a) No part of any dock or any other structure shall be placed nearer than ten feet to a line formed by the projection of the sidelines of the lot.

(b) No portion of a dock, boat lift, hydro-hoist or any other method of elevation, mooring piles, boat davits, dolphin piles or any other structure, and no portion of a boat elevated above the water moored at a dock or seawall, shall protrude into the waterway, unless it is within the triangle formed by connecting the points indicated below, that form a triangle where the waterfront property line is the base of the triangle and the triangle sides extend towards the waterway at a 45 degree angle until the lines intersect on the waterway side of the lot, but never to exceed 25 feet into the waterway from each of the lot property line. Neither elevated boats nor docks shall encroach in any instance within the side setback area. The base of the triangle shall be determined as follows:

(1) The base of the D5 triangle for all lots is set back five feet inside each of the side property lines.

(2) When the lot line is curved, the base shall be measured at the straight line, forming the chord, connecting the two side property lines (or the two side setback lines) at the point where they cross the sea wall. The side setback shall be determined based upon the length of the chord as provided in this subsection, above.

(c) The keel of a raised vessel shall be no higher than the cap of the seawall and never higher than four feet above mean sea level.

(d) No dock, lift, mooring piles or moored boat shall be permitted on vacant lots. Permits for such construction will be issued after a building permit for a single-family home has been issued, but the final inspection will be performed at the same time that the single family home final inspection is given.

(e) Legal nonconforming dock structures—If more than 50 percent of the value of the dock structure, lift, dolphin pile or other structure referenced in this section, is spent to repair or

renovate such dock structures, then the dock structures must conform with the provisions of this section. The fair market value shall be determined by a State certified real estate appraiser or the Building Official. Dock structures that were not legally permitted when installed shall not be improved unless they conform to this section. If an existing residence that has a dock is demolished, the dock can remain in place with the following provisions:


(1) That a new residence will be constructed and completed within two years from completion of the demolition; and

(2) A Bond in an amount equal to 120 percent of the estimated cost of the dock demolition is filed with the Town's building and zoning department; and

(3) As part of the demolition permit documents, the Owners of Record shall file an affidavit with the Town's building and zoning department, authorizing the Town to use the Bond funds to demolish the dock if a residence is not completed on the lot after the expiration of the two years' time limit.

**TOWN OF GOLDEN BEACH
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Alex Diaz – Town Manager
 Linda Epperson – Bldg. and Zoning Department Director
 Town of Golden Beach

From: Michael J. Miller, AICP 
 Consultant Town Planner

Date: April 12th, 2018

Subject: Town of Golden Beach
 Land Development Code Update
 Seawall Regulations
 MMPA Acct. No. 04-0101-0003

ISSUE / BACKGROUND

The Town Council / Administration have been striving to improve the Town appearance and the development standards of the Town. The Town has adopted several Code amendments over the past several years. One of the remaining Code sections to be analyzed is the Town regulations for seawalls. In particular there are two (2) areas of concern; height and the monitoring of construction to ensure the seawall improvements meet Code requirements and the approved building permit plans.

While uniformity in appearance of the height of seawalls and docks is important for maintaining community appearance standards set by Golden Beach, sea level rise is a reality and the Town's existing standards for seawall height should be examined periodically. Additionally, the Town Code contains regulations on the review process and construction of seawalls; however, we have found several instances where a seawall has been constructed outside of the property line (into adjoining public waterways), so some consideration on additional regulations of the construction process are recommended.

ANALYSIS

Seawall Height

Codes have different ways to measure how high a seawall can be built which is important to note because this can cause confusion when looking at various municipal regulations. Below are the definitions of the different terms used.

- *Mean Sea Level (MSL)*: the average height of the sea for all stages of the tide.
- *National Geodetic Vertical Datum (NGVD)*: as corrected in 1929, is a fixed vertical control used as a reference for establishing various elevations within the floodplain. NGVD does not take into account local changes in sea levels; therefore, it should not be confused with MSL.
- *North American Vertical Datum (NAVD)*: Established in 1988, a fixed reference for elevations determined by localized geodetic leveling.

In our research we have found Codes that set the height is three (3) different ways, one city has only a reference to Mean Sea Level (Bay Harbor Islands), while others refer to NGVD and NAVD. NGVD is the older vertical datum (1929) and in general, there is an average difference of 1.51' between the vertical datum with the more recent NAVD 88 being the higher. In the Town of Golden Beach, the conversion between NAVD and NGVD is 1.575' (NAVD = NGVD minus 1.575').

Below is a summary of other municipalities in the tri-county area with seawall regulations. Besides differing vertical datum that are used, every community has different wave conditions, sea levels and elevations.

Municipality	Seawall Height		
Bay Harbor Islands	5.50' above MSL, 6' on Biscayne Bay (Code does not state NGVD or NAVD) – Maximum, no minimum. Original seawall heights (1950s) were 3.5 – 4.0+/- MSL.		
Deerfield Beach	Grade of property		
Fort Lauderdale	Property's FEMA Flood Insurance Rate Map Location	Minimum Allowable Seawall Elevation	Maximum Allowable Seawall or Dock Elevation
	In a floodplain with a base flood elevation greater than or equal to 5.0' NAVD (6.51' NGVD)	3.9' NAVD (5.41' NGVD)	Base flood elevation of the property
	In a floodplain with a base flood elevation equal to 4.0' NAVD (5.51' NGVD)	3.9' NAVD (5.41' NGVD)	5' NAVD (6.51' NGVD)

Municipality	Seawall Height		
Fort Lauderdale cont.	In an X zone, not in a floodplain	3.9' NAVD (5.41' NGVD)	Meet the definition of grade
Golden Beach	5' NGVD (3.425' NAVD) – Minimum 4' NGVD (2.425' NAVD)		
Hollywood	Grade of property- Maximum, no minimum		
Lighthouse Point	4.0' NAVD (5.5' NGVD) – Both minimum and maximum		
Miami	5' NGVD (3.49' NAVD) north of Rickenbacker Causeway, 6' NGVD (4.49' NAVD) south of Rickenbacker Causeway – Both minimum and maximum		
Pompano Beach	5'10" NAVD (7.34' NGVD) – Maximum, no minimum		

In summary, the municipal regulations for seawalls found that have been updated within the last decade require higher minimum and allow higher maximum seawall heights. Jurisdictions that have more turbulent wave action are the ones that have the highest maximum height allowances.

We have contacted the Miami-Dade County Department of Environmental Resources Management (DERM) who licenses and permits all work within waterways in the county for their opinion on the height of seawalls. DERM stated that they do not have a position on seawall heights; in their reviews they would be concerned about runoff impacts to adjacent properties and could require side yard retaining walls be built, as well as environmental issues.

Implications of Changing Seawall Heights

- Irregular (saw-tooth) appearance along waterways with differing heights. The Code has both a minimum and maximum seawall heights now so while uniformity is desirable the Code as it stands does not produce uniformity.
- Unless written to exempt existing seawalls, any seawall that does not comply with the new heights would be considered a nonconforming seawall. The existing Code has provisions that allows them to be maintained and requirements for when conformance is required. Perhaps this should be re-examined and tightened up to get older seawalls improved.
- Because most of the land elevations of the Town west of Golden Beach Drive are quite low, seawall heights could be higher than the lot, causing flooding issues. Storm-water and swimming pool water (chlorine) are prohibited to overflowing into the waterways via the NPDES Federal permit. Often a landscape strip and drainage containment system are required / installed adjoining the seawall.

Construction Process

The Town's existing regulations for the construction of seawalls cover permitting, bonding, design, and inspection requirements. However as stated previously, MMPA has reviewed many building permits for seawalls in the Town and found that seawalls that were constructed with valid permits were in some instances not built as approved, and some encroach into the adjacent public waterways. Surveys before, during, and after construction showing the location and height of seawalls are needed, as well as certification from the designer that the seawall has been constructed in conformance with the approved plans.

RECOMMENDATIONS

Based on the above, MMPA recommends the following:

1. Consider increasing the minimum and maximum seawall height by one (1) foot; 3.425 feet and 4.425 feet NAVD (five (5) and six (6) feet NGVD) respectively. This appears to be what other waterfront communities are doing.
2. Amend the Town Code to require surveys showing both the height and location of seawalls, before construction, after seawall forms are set, after construction; and certification by a certified registered engineer that the seawall has been constructed in conformance with the approved plans.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 17, 2018

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manger

Item Number:

4

Subject: Ordinance No. 582.18 – Amending Code, Division 4 Creating
Regulations for Outdoor Lighting.

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 582.18 as presented.

Background:

I agree to the recommendation found in the attached staff report.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 582.18

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING DIVISION 4, DESIGN STANDARDS, OF CHAPTER 66, ZONING, TO CREATE REGULATIONS FOR OUTDOOR LIGHTING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Town Council has studied the current Code provisions of the Town and find that certain modifications are necessary and desirable to regulate outdoor lighting in the community; and

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

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

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

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

Section 2. Code Amended. That the Town of Golden Beach Code is hereby amended to modify Division 4 (Design Standards) adding Section 66-142 Outdoor Site Lighting Requirements, of Chapter 66 (Zoning) to provide for regulations for outdoor lighting in the Town, as more fully set forth in the attached Exhibit “A”, and by reference are made a part hereof.

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.

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.

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.

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

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

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

PASSED AND ADOPTED on first reading this 17th day of April, 2018.

The Motion to adopt the foregoing Ordinance was offered by _____,

seconded by _____, and on roll call the following vote ensued:

Mayor Glenn Singer	_____
Vice-Mayor Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Lusskin	_____

PASSED AND ADOPTED on second reading this 15th day of May, 2018.

ATTEST:

MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

EXHIBIT "A"

The Town of Golden Beach, Florida Code of Ordinances
is hereby amended as follows:

CHAPTER 66

ZONING

ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS

DIVISION 4. DESIGN STANDARDS

* * *

Sec. 66-142- Outdoor Site Lighting Requirements.

(a) Purpose and intent. The purpose and intent of this section is to ensure that outdoor lighting positively enhances the visual impact of a building or structure, a property and the Town as a whole, while limiting negative lighting impacts on adjacent properties and providing security for persons and land. Outdoor lighting should accentuate key architectural elements of the building and highlight or otherwise emphasize landscape features.

(b) Applicability. It is the express intent that these regulations shall apply to all existing and future residential land in the Town and to all structures on residential properties. Existing properties shall be brought into compliance with the requirements of this section no later than August 1, 2018.

(c) Definitions. The following definitions apply to this Section.

Glare. Intense or blinding light, or the sensation produced by a brightness within the visual field that is sufficiently greater than the intensity of light to which human eyes are accustomed or adapted, thereby causing annoyance, discomfort, visual impairment, or loss or reduction of visibility.

Hot Spot. An area of very high illumination above normal foot-candle levels, typically found in an area underneath a luminaire, making normal foot-candle levels appear relatively dark.

Light Pollution. Any adverse effect of manmade light, often used to denote a brightness of the night sky, commonly known as urban sky glow.

Lumen. A quantitative unit measuring the amount of light emitted by a lamp or luminaire.

Obtrusive Light. Light which causes annoyance, discomfort, visual impairment, or loss or reduction of visibility.

Security Lighting. Lighting necessary for security or emergency purposes which shall be the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure and to illuminate exterior walkways.

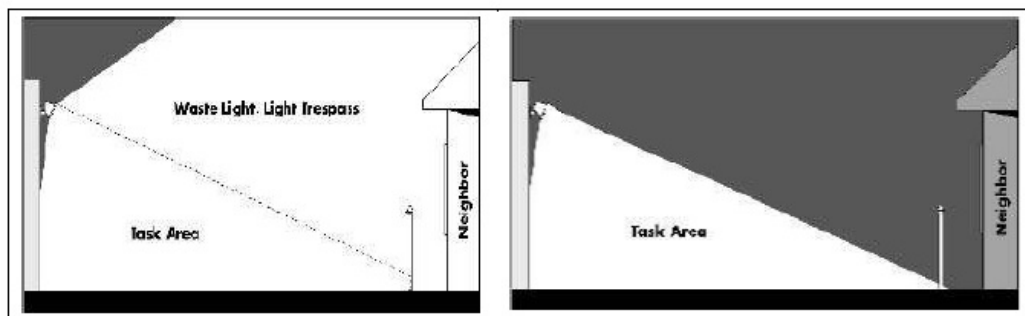
(d) Design. Outdoor lighting shall be designed, operated, and installed to provide safe, convenient and efficient lighting, and to avoid the creation of hot spots, glare, obtrusive light, light pollution, light trespass, and visual nuisance.

(e) Illumination Direction and Shielding.

(1) Upwardly-directed lighting used to illuminate all or part of a structure or building facade shall use low-wattage architectural or decorative lighting so that direct light emissions are contained by the structure or facade and not visible above the building roof line.

(2) Light fixtures used to illuminate flags, landscaping, statues, or other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that does not extend beyond the illuminated object and shall not be obtrusive or cause glare.

(3) Any light source or lamp that emits more than 900 lumens shall be concealed or shielded with full cut-off style fixture with an angle not exceeding 90 degrees to minimize glare and unnecessary light diffusion onto adjacent properties and streets. No light source or lamp may produce more than 1,800 lumens. (See Figure 66-142(e) Shielding of light source to avoid light diffusion onto adjacent property below.)



Noncompliant – Light diffusion onto adjacent property

Compliant – No light diffusion onto adjacent property

Figure 66-142(e) Shielding of light source to avoid light diffusion onto adjacent property

(f) Security lighting installations. All security lighting installations shall include timers, dimmers, and/or sensors to reduce the overall energy consumption and eliminate unneeded lighting.

(g) Flickering or Flashing Lights. No flickering or flashing exterior lights shall be allowed except for temporary decorative seasonal lighting during the period of time that colored lighting is permitted.

(h) Maximum Illumination. Maximum illumination shall not exceed 1.0 foot-candles, measured 5 feet above ground level at a property line.

(i) Right-of-Way. No private lighting may be installed in the Town's swale or right-of way.

(j) *Color Lighting.* Colored lights are prohibited except during the period of time from the Friday before the last full week in November until the second Sunday in January (holidays).

(k) *Landscape Lighting.* All landscape lighting designs shall be reviewed and approved by the Town's Landscape Architect.

(Cross-reference Article III Sec. 58 for lighting regulations for marine turtle protection.)

**TOWN OF GOLDEN BEACH
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Alex Diaz – Town Manager
Linda Epperson – Bldg. and Zoning Department Director
Town of Golden Beach

From: Michael J. Miller, AICP
Consultant Town Planner

Date: February 12th, 2018

Subject: Town of Golden Beach
Land Development Code Update
Proposed Outdoor Lighting Regulations for Homes
MMPA Acct. No. 04-0101-0003

ISSUE / BACKGROUND

The Town's existing Code of Ordinances (Chapter 58, Article III entitled Lighting Regulations for Marine Turtle Protection) contains regulations governing beachfront lighting for sea turtle protection. That Code section is essentially the Florida Department of Environmental Protection's recommended model lighting Ordinance. The Code is silent as to any regulations for outdoor lighting throughout the rest of the Town (homesites / public lands). The Town administration has commented that they observed excessive / objectional lighting on several building facades and landscape features. As part of the Town's ongoing LDR Code updating, MMPA was requested to study this issue and suggest possible Code modifications.

ANALYSIS

The Town Code does not currently contain regulations for outdoor lighting other than for beachfront lighting to protect sea turtles. MMPA researched several sources for outdoor lighting regulations that are applicable to single-family homes and subdivisions, and has prepared a draft Ordinance that we feel would be appropriate for this community. As requested the proposed Ordinance is suggested to be retro-active / applicable to all residential properties and any accessory structures on them. It provides regulations for direction and shielding of outdoor lighting; maximum light source lumens, restrictions on security lighting, prohibitions, and maximum illumination levels on a property.

RECOMMENDATION

MMPA suggests the Town consider the adoption of the proposed Ordinance.