

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:**

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

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

20 **CHAPTER 66 ZONING**

21 ***

22 **ARTICLE I. - IN GENERAL**

23 ***

24 **Sec. 66-1. - Definitions.**

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

28 ***

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

32 ***

33 Gazebo means an accessory structure with four open sides containing not
34 more than 150 square feet of roofed area. A Gazebo may include a bar, outdoor
35 cooking facility, electrical outlets, lighting and sound amplification systems, all
36 located within walls up to 42 inches high along two sides.

37 ***

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

40 ***

41 **ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS**

42 ***

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

43 **DIVISION 11. ACCESSORY BUILDINGS**

44 * * *

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

46 (a) ~~In Zones One, Two and Three, one, and only one, cabana, gazebo or~~
47 ~~pergola or similar structure separate from the main house structure may be~~
48 ~~permitted to be erected and only within the rear yard. The covered/roofed~~
49 ~~area of such structure, whether covered with roofing, trellis or open rafters,~~
50 ~~shall not exceed two percent of the net lot area up to a maximum floor area~~
51 ~~of 500 square feet. The roofed area measurement shall not include eaves~~
52 ~~or overhangs.~~

53 (b) ~~In Zones Two and Three, one pergola or gazebo separate from the main~~
54 ~~house structure may be permitted to be erected and only within the rear~~
55 ~~yard. The roofed area of such structure shall not exceed two percent of the~~
56 ~~lot area up to a maximum floor area of 500 square feet. The roofed area~~
57 ~~measurement shall not include eaves or overhangs.~~ Cabanas are not
58 ~~permitted.~~

59 (c) ~~Within Zone One, no part thereof shall be east of a line joining the corners~~
60 ~~of the nearest existing similar structures nor shall any part be within 50 feet~~
61 ~~of the Mean High Water Line. Such structure may be built to the lot lines.~~
62 ~~Side line and east lot line clearance is not required. Setbacks for such~~
63 ~~structures are not required on the side lot line.~~

64 (de) ~~In Zone Two the structure must be placed at least ten feet from the side lot~~
65 ~~line and ten feet from the rear lot line.~~

66 (ed) ~~In Zone Three the structure must be placed at least ten feet from the side~~
67 ~~lot line and 15 feet from the rear lot line.~~

68 (fe) ~~No structure permitted under this section shall exceed one story or a height~~
69 ~~of 15 feet above BFE.~~

70 (gf) ~~Structures, other than Pergolas, under this section must contain matching~~
71 ~~roof slopes and detailing similar to the principal structure;~~

72 (hg) ~~The roof of the structure shall not be used as a solarium or for any similar~~
73 ~~purposes.~~

74 * * *

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

77 a) ~~No auxiliary structure, out building or enclosed boathouse is permitted to be~~
78 ~~built within any lot in Zones Two and Three on the waterside of lots on the~~
79 ~~east coast waterways and channels tributary thereto.~~

80 (b) ~~Boat slips within the area described in subsection (a) of this section may be~~
81 ~~constructed on lots with water Frontage of 100 feet and over, providing such~~
82 ~~slips are built with walls of like Construction as the seawalls. Enclosures~~

83 around and over such slips are not permitted. Size of such slips may not be
84 larger than 15 feet wide by 35 feet deep (length).

85 (c) Docks may be constructed, but no canopy over them shall be erected.

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87 * * *

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

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

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

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

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

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

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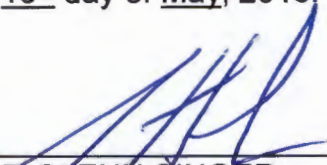
PASSED AND ADOPTED on first reading this 17th day of April, 2018.

The Motion to adopt the foregoing Ordinance was offered by Vice Mayor Mendal, 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 second reading this 15th day of May, 2018.

ATTEST:

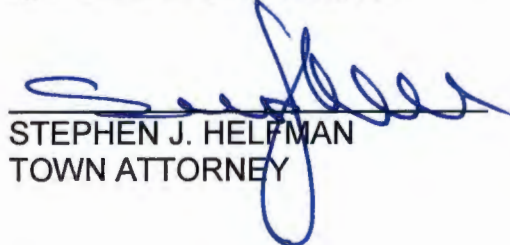


MAYOR GLENN SINGER



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY