

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 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 Councilmember Lusskin, seconded by Vice Mayor Mendal, and on roll call the following vote ensued:

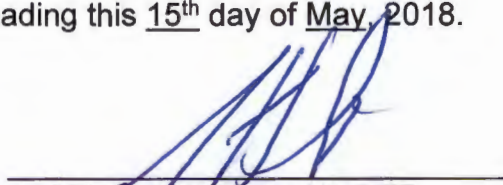
Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Jaime Mendal	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>

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

ATTEST:

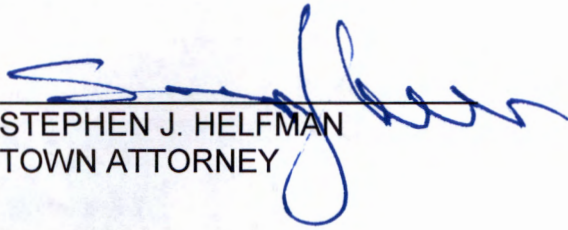


LISSETTE PEREZ
TOWN CLERK



MAYOR GLENN SINGER

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

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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
