



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

**Official Agenda for the February 27, 2019
Local Planning Agency Hearing called for 6:30 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 Related to Accessory Structures in Setback Areas, Amending Section 66-141 Related to Projections in to Setbacks.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ACCESSORY STRUCTURES IN SETBACK AREAS; AMENDING SECTION 66-141 RELATED TO PROJECTIONS IN TO SETBACKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 585.19

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 585.19

- 2. An Ordinance of the Town Council Amending the Town's Code Related to Accessory Structures in Setback Areas, Amending Section 66-140 Related to Setback and Lot Line Restrictions.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ACCESSORY STRUCTURES IN SETBACK AREAS; AMENDING SECTION 66-140 OF THE ZONING CODE RELATED TO SETBACK AND LOT LINE RESTRICTIONS; AND SECTION 66-141 RELATED TO PROJECTIONS IN TO SETBACKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 2
Resolution No. 586.19

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 586.19

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, FLORIDA

ORDINANCE NO. 585.19

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ACCESSORY STRUCTURES IN SETBACK AREAS; AMENDING SECTION 66-141 RELATED TO PROJECTIONS IN TO SETBACKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; 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 accessory structures and projections in to yard areas; 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. That the recitals set forth above are hereby adopted and confirmed.

Section 2. Amending Code. That the Town of Golden Beach Code is hereby amended to modify Section 66-141 to address the design and location of accessory structures and projections in to required setback areas in the Town, as more fully set forth in the attached Exhibit “A”, and by reference are made a part hereof.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and 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. Conflicts. 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 22nd day of January, 2019.

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 27th day of February,
2019.

MAYOR GLENN SINGER

ATTEST:

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. SETBACK AND LOT LINE RESTRICTIONS

Sec. 66-141. – Same – Projections.

- (a) Chimneys may project into Setback areas a distance not to exceed 24 inches. The width of the projecting chimney shall not exceed six feet in width.
- (b) Balconies and rooftops designed to support habitable activities consistent with Section 66-261, and stairs leading to balconies or such rooftops shall not extend into side Setbacks and shall not extend more than four feet into rear or front yard Setback areas. ~~No other steps or platforms over 36 inches in height above grade shall extend into side, rear or front yard Setback areas. There shall be clear, unobstructed passage of not less than 36 inches between such projections and the adjacent lot line.~~
- (c) In Zone One no walkways, patios, steps, terraces, or platforms shall be constructed closer than 36 inches to the adjacent side lot lines. In Zone One no such accessory structure shall be permitted east of the established bulkhead line. In Zones Two and Three no walkways, patios, steps, terraces, or platforms shall be constructed closer than 36 inches to the adjacent side or rear lot lines. In all Zones a walkway with or without steps extending from a driveway or directly from an adjoining street to the front door not exceeding 8 feet in width shall be permitted in front yards or street-side (corner lots) yards. No steps or platforms over 36 inches in height above the average lot grade shall extend into minimum side, rear or front yard Setback areas.
- (d) Eaves. The lower border of a roof that meets or overhangs a building wall may project up to four feet into any Setback area.
- (e) Eyebrows. A permanent, independent cantilevered projection over an existing window or door, which provides cover / protection from weather, including sun and rain, shall be permitted to extend up to four feet into the ten-foot side yard setback. In the case of an undersized lot (less than 75 feet in width), eyebrows may project 1.5 feet into a 7.5-foot setback.
- (f) Architectural features such as awnings, canopies, planting bins, decorative non-accessible balconies, oriel windows, cornices, decorative bands, architectural artwork, plaques, and other similar features may project into setback areas which abut interior lot lines not more than 1.5 feet and into setback areas which abut on streets or waterways not to exceed 2 feet for full-size lots; however, not more than 1.5 feet which abut side lot lines for undersized lots.

- (g) Retractable awnings may be installed on a principal structure, cabana, gazebo, trellis, or pergola and may encroach only into a rear yard setback when they are installed to be opened over a compliant patio or deck.

Adopted: 1989 / Revised 2015 / Proposed Amendment 2019

THE TOWN OF GOLDEN BEACH

ORDINANCE NO. 586.19

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO ACCESSORY STRUCTURES IN SETBACK AREAS; AMENDING SECTION 66-140 OF THE ZONING CODE RELATED TO SETBACK AND LOT LINE RESTRICTIONS; AND SECTION 66-141 RELATED TO PROJECTIONS IN TO SETBACKS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; 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 accessory structures and projections in to yard areas; 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. That the recitals set forth above are hereby adopted and confirmed.

Section 2. Amending Code. That the Town of Golden Beach Code is hereby amended to modify Section 66-140 and Section 66-141 to address the design and location of accessory structures and projections in to required setback areas in the Town, as more fully set forth in the attached Exhibit “A”, and by reference are made a part hereof.

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and 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.

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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 Luskin	<u>Aye</u>

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Vice-Mayor Kenneth Bernstein	_____
Councilmember Jaime Mendal	_____
Councilmember Bernard Einstein	_____
Councilmember Judy Luskin	_____

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MAYOR GLENN SINGER

ATTEST:

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. SETBACK AND LOT LINE RESTRICTIONS

Sec. 66-140. – Setback areas - Generally.

(a) The term mechanical equipment includes but is not limited to all ground level or elevated exterior mounted equipment or structures that are customarily associated with residential uses of land such as air conditioning equipment, cable television boxes, compressors, condensers, electrical panels, electrical meters, exhaust fans, gas meters, heating equipment, irrigation pumps (including rust prevention and fertilization systems), pool heaters, pool pumps, roof access ladders, telephone boxes, transfer switches, venting equipment, water heaters, and water softeners.

(b) 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 or above 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 distinct pieces of mechanical equipment grouped together, including pool pumps and related pool heater equipment, may be installed a minimum of 10 feet from any property line.

(1) Setbacks.

- a) All Zones - Minimum of 10 feet from any side or rear property line.
- b) Zones Two and Three - No mechanical equipment shall be installed in a front yard or street-side (corner lot) setback.
- c) Zone One - Mechanical equipment for any accessory garage / guest quarters may be installed in the main 60-foot front yard setback on the east or on an internal side of the structure (not in exterior side yard or front 20-foot setback).
- d) Existing mechanical equipment that was previously permitted may be replaced in the same location subject to the provision of screening.

(2) Screening. ~~(b)~~ All mechanical equipment shall be appropriately and aesthetically screened and landscaped to minimize poor aesthetic appearance and maximize noise abatement to limit transmission of sound; to accomplish, the following measures are required:

a. Screening required. For new homes all ground mounted mechanical equipment shall be fully screened on all four (4) sides, with an approved material that is at least two (2) feet longer and one (1) foot taller than the equipment at time of planting, provided, that the primary structure may be used for screening purposes. For existing homes, mechanical equipment shall be appropriately and aesthetically screened and landscaped to minimize poor aesthetic appearance and maximize noise abatement to limit transmission of sound

b. Screening materials. Permitted materials include concrete block, decorative concrete block, metal louvers, lattice, wood fencing, or another material as deemed appropriate by the Building Review and Advisory Board. Landscaping alone is not an approved screening material but is required as per subsection (c) below.

c. Supplemental Landscaping. In addition to the main noise / visual abatement screening requirements in subsection above, a supplemental hedge shall be planted adjoining the fence, wall or other approved screening method that is at least half the height of the screening structure at the time of planting and maintained to the height of the screening material.

c. For all homes all wall mounted mechanical equipment shall also be screened. All such related accessory features, including conduits, plumbing, and pipes shall be enclosed and painted the same color as the adjacent main structure.

Adopted: 1989 / Revised 1993 / Revised 2006 / Revised 2011

Proposed Amendment 2019