

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Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.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 Aye
Vice-Mayor Jaime Mendal Aye
Councilmember Amy Isackson-Rojas Aye
Councilmember Kenneth Bernstein Aye
Councilmember Judy Luskin Aye

PASSED AND ADOPTED on first reading this 22nd day of January, 2019.

The Motion to adopt the foregoing Ordinance was offered by

Councilmember Bernstein, seconded by Councilmember Luskin, and on roll call

the following vote ensued:


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

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