

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.

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

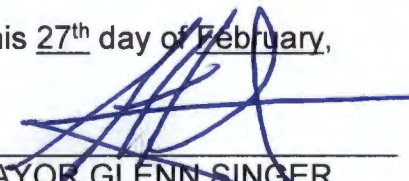
Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Jaime Mendal	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>

**PASSED AND ADOPTED** on first reading this 22<sup>nd</sup> day of January, 2019.


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 Kenneth Bernstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>


**PASSED AND ADOPTED** on second reading this 27<sup>th</sup> 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. 66-140. – 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, this the following measures are required:

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**