

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 588.19

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES TO REVISE CHAPTER 66, "ZONING," BY AMENDING SECTION 66-261, "ROOFTOP ACTIVITIES", 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**, on February 20, 2018, the Town Council adopted Ordinance No.
5 577.18, which among other things provided for the useable area of rooftop terraces
6 within Zone One; and

7 **WHEREAS**, the Town has determined that because a substantial number of
8 lots within Zone One [nineteen (19)] are below standard widths, the impact of the
9 regulations severely restricts the usable area of the roof for those lots; and

10 **WHEREAS**, The Town Council wishes to further amend the regulations to
11 allow for the reasonable use of all rooftops within Zone One; and

12 **WHEREAS**, a public meeting was held before the Local Planning Agency
13 (LPA) of the Town to review the proposed modifications to the Town's Land
14 Development Regulations; and

15 **WHEREAS**, the Town Council held duly advertised public meetings to
16 consider the proposed modifications to the Town's Land Development Regulations.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF**
18 **GOLDEN BEACH, FLORIDA:**

19 **Section 1. Recitals Adopted.** That the preceding “Whereas” clauses are
20 ratified and incorporated as a record of the legislative intent of this Ordinance.

21 **Section 2. Code Amended.** That the Town of Golden Beach Code is
22 hereby amended to modify Division 11. “Accessory Buildings,” of Article IV,
23 “Supplemental District Regulations,” of Chapter 66, “Zoning” as follows¹:

24 **CHAPTER 66 ZONING**

25 * * *

26 **ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS**

27 * * *

28 **DIVISION 11. ACCESSORY BUILDINGS AND USES**

29 * * *

30 * * *

31 **Sec. 66-261. – Rooftop activities.**

32
33 (a) Except as specified below in this Section, the use of the roof of a
34 residential structure for passive leisure activities, including, but not limited
35 to, entertainment and other leisure and recreational activities, is
36 prohibited.

37
38 (b) Within Zone One, the roof of the highest roofed structure may be used for
39 passive leisure activities, including entertainment and other passive
40 recreational / leisure uses subject to the following limitations:

41
42 (1) The lot must be at least 7,500 square feet in area.

43
44 (2) The usable area of the roof must be set back a minimum of ten feet
45 (10') from the edge of the roof in all directions except from the rear
46 (ocean front), where no setback is required; ~~—however, for lots of less~~
47 than sixty four (64) feet in width, the useable area may be reduced to
48 seven and one half feet (7' 6") from the edge of the roof in all directions
49 except the rear (ocean front), where no setback is required.

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77

- (3) The rooftop area shall not be improved with any permanent structures or the placement of any temporary or permanent fixtures or equipment except a safety railing up to 48 inches in height. Outdoor furniture such as chairs, sofas, and tables, and pots and planters are permitted. Additionally, within the approval of the Building Regulation Advisory Board, a hot tub/spa may be placed on the rooftop.
- (4) No amplified or live music shall be permitted on the roof.
- (5) An elevator and any covered elevator vestibule serving the rooftop shall be limited to an area of no more than 110 square feet. Any elevator and any covered elevator vestibule, if permitted, shall be placed near the center of the rooftop, but not less than 7.5 feet from the edge of the roof on lots less than 75 feet in width, or less than 10 feet from the edge of the roof on lots 75 feet or more in width.
- (6) Staircases may extend from lower floors or the ground level to the rooftop, but must comply with the setback and yard projection provisions set forth in Sec. 66-141(b). Safety railings up to 48 inches in height for staircases are allowed, provided they meet the above setback and yard projections. Once at the rooftop railings must terminate at or connect directly to any railings surrounding the usable passive leisure activity area set forth in subsection (2) above. Any portion of a staircase railing constructed above the rooftop shall be designed with an open appearance (no walls).

Section 3. Code Amended. That is 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

86 such intentions, and that the word "Ordinance" shall be changed to "Section" or other
87 appropriate word.

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

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

93

94 The Motion to adopt the foregoing Ordinance was offered by
95 Councilmember Lusskin, seconded by Vice Mayor Bernstein, and on roll call the

96	Mayor Glenn Singer	<u>Aye</u>
97	Vice-Mayor Kenneth Bernstein	<u>Aye</u>
98	Councilmember Judy Lusskin	<u>Aye</u>
99	Councilmember Jaime Mendal	<u>Absent</u>
100	Councilmember Bernard Einstein	<u>Aye</u>

101

102

103 **PASSED AND ADOPTED** on first reading this 17th day of June, 2019.

104

105 The Motion to adopt the foregoing Ordinance was offered by
106 Councilmember Lusskin, seconded by Councilmember Mendal, and on roll call the

107 following vote ensued:

108	Mayor Glenn Singer	<u>Aye</u>
109	Vice-Mayor Kenneth Bernstein	<u>Aye</u>
110	Councilmember Judy Lusskin	<u>Aye</u>
111	Councilmember Jaime Mendal	<u>Aye</u>
112	Councilmember Bernard Einstein	<u>Aye</u>

113

114

115 **PASSED AND ADOPTED** on second reading this 17th day of September,
116 2019.

117

118 ATTEST:

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133



MAYOR GLENN SINGER

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY