



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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Official Agenda for the May 16, 2017  
Local Planning Agency Hearing called for 7:00 P.M.

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**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 to Revise Requirements for Undersized Lots.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, TO AMEND SUBPART B, "LAND DEVELOPMENT REGULATIONS" OF THE TOWN'S CODE OF ORDINANCES BY DELETING ARTICLE II "DESIGN STANDARDS" OF CHAPTER 58 AND INCORPORATING THOSE PROVISIONS INTO RELEVANT SECTIONS OF CHAPTER 66; AMENDING CHAPTER 66 "ZONING" TO REVISE REQUIREMENTS FOR UNDERSIZED LOTS AND REVISE AND REORGANIZE DISTRICT REGULATIONS INCLUDING SETBACKS, LOT RESTRICTIONS, ENCROACHMENTS AND ADOPT NEW COMPREHENSIVE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 1  
Ordinance No. 573.17

**Sponsor:** Town Administration

**Recommendation:** Motion to Approve Ordinance No. 573.17

**D. ADJOURNMENT:**

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**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

One Golden Beach Drive  
Golden Beach, FL 33160

## MEMORANDUM

**Date:** May 16, 2017

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz, *Alex B.*  
Town Manger

**Subject:** Ordinance No. 573.17 – Amending Code, Subpart B, “Land Development Regulations,” by Amending Chapters 58 and 66

Item Number:

1

### Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 573.17 as presented.

### Background:

As we have been discussing during the last few months the attached Ordinance begins to align our Building Development guidelines to better serve our community. This Ordinance begins to address the guidelines for undersized lots and other re-development. The following are the recommendations from both the Council and the Building Regulatory Advisory Board with options for changes.

		<b>COUNCIL RECOMMENDATION ON FIRST READING</b>	<b>BOARD RECOMMENDATION</b>	<b>STATUS</b>
<b>ALL ZONES</b>				
1	Side yard setbacks - all zones (1, 2, 3), all lots 75' and over	Change to 10 feet for all lots 75' and over	Agree	Implemented in 2 <sup>nd</sup> reading draft in all zones
2	2 <sup>nd</sup> Story setback change from 18' to 12'			Implemented in 2 <sup>nd</sup> reading draft in all zones
<b>ZONE 1 – OCEAN FRONT</b>				

1	Undersized lots – side yard setback	7.5 feet	Agree	Implemented in draft
2	Undersized lots – exempt 2 <sup>nd</sup> story side setback requirement	Keep exemption	Disagree, delete exemption	2 <sup>nd</sup> reading draft keeps exemption - Needs final Council determination
3	Undersized lots - height	27.5'	27.5 feet if 2 <sup>nd</sup> story setback is required. If no 2 <sup>nd</sup> story setback, then retain 25'	Needs final Council determination
4	Undersized lots – required open area (garage/guest house)	1,100 square feet	Unsure it will work	Implemented in 2 <sup>nd</sup> reading draft - Needs final Council determination
5	Roof top spa	Add	Disagree, recommend keeping roof tops passive	Needs final Council determination
6	Detached single story garage height			Needs Council determination
<b>ZONE 2 – WEST SIDE OCEAN BOULEVARD, EAST SIDE GOLDEN BEACH DRIVE</b>				
1	Undersized lots - Rear setback (east side Golden Beach Dr)	30'	30' if height 25' OR 35' if height 27.5'	30' in draft - Needs final Council determination
2	Undersized lots – exempt 2 <sup>nd</sup> story side setback requirement	Keep exemption	Disagree, delete exemption	2 <sup>nd</sup> reading draft keeps exemption - Needs final Council determination
3	Undersized lots - height	27.5'	27.5 feet if 2 <sup>nd</sup> story setback is required. If no 2 <sup>nd</sup> story setback, then retain 25'	Needs final Council determination
4	Undersized lots -	Impervious 60%, Pervious 40%	Impervious 65%, Pervious 35%	60/40 in draft - Needs final Council determination
<b>ZONE 3 - Interior Waterfront Lots; GBD, SPARK, SID, Center Island, NPARK, NID, Terracina, Massini</b>				
1	Undersized lots - Rear setback	30'	30' if height 25' OR 35' if height 27.5'	30' in draft - Needs final Council determination

2	Undersized lots – exempt 2 <sup>nd</sup> story side setback requirement	Keep exemption	Disagree, delete exemption	2 <sup>nd</sup> reading draft keeps exemption - Needs final Council determination
3	Undersized lots - height	27.5'	27.5 feet if 2 <sup>nd</sup> story setback is required. If no 2 <sup>nd</sup> story setback, then retain 25'	Needs final Council determination
4	Undersized lots -	Impervious 60%, Pervious 40%	Impervious 65%, Pervious 35%	60/40 in draft - Needs final Council determination

**Fiscal Impact:**

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 573.17

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, TO AMEND SUBPART B, "LAND DEVELOPMENT REGULATIONS" OF THE TOWN'S CODE OF ORDINANCES BY DELETING ARTICLE II "DESIGN STANDARDS" OF CHAPTER 58 AND INCORPORATING THOSE PROVISIONS INTO RELEVANT SECTIONS OF CHAPTER 66; AMENDING CHAPTER 66 "ZONING" TO REVISE REQUIREMENTS FOR UNDERSIZED LOTS AND REVISE AND REORGANIZE DISTRICT REGULATIONS INCLUDING SETBACKS, LOT RESTRICTIONS, ENCROACHMENTS AND ADOPT NEW COMPREHENSIVE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

1           **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166,  
2 Florida Statutes, provide municipalities the authority to exercise any power for municipal  
3 purposes, except where prohibited by law, and to adopt ordinances in furtherance of such  
4 authority; and

5           **WHEREAS**, the Town Council of the Town of Golden Beach ("Town Council") finds  
6 it periodically necessary to amend its Code of Ordinances and Land Development  
7 Regulations ("Code") in order to update regulations and procedures to implement  
8 municipal goals and objectives; and

9           **WHEREAS**, the Town Council has studied the current Code provisions of the Town  
10 and finds that certain modifications are necessary and desirable to further regulate all  
11 residential development; and

12           **WHEREAS**, the Town desires to provide setback and height regulations for  
13 development of undersized lots to encourage development and redevelopment consistent  
14 with the aesthetic goals and conditions of the Town; and

15           **WHEREAS**, the Town desires to reorganize the site development regulations,  
16 such as height, setbacks, and lot size and coverage requirements in a consolidated user  
17 friendly format; and

18           **WHEREAS**, Town staff recommends approval of the proposed changes; and

19           **WHEREAS**, the Town's Local Planning Agency has reviewed this Ordinance on  
20 this \_\_\_\_\_ day of \_\_\_\_\_, 2017, and has determined that it is consistent with the  
21 Town's Comprehensive Plan; and

22           **WHEREAS**, pursuant to Section 166.041 (c)(2), Florida Statutes, notice has been  
23 given by publication in a paper of general circulation in the Town, notifying the public of  
24 this proposed Ordinance and of the time and dates of the public hearings; and

25           **WHEREAS**, two (2) public hearings were held before the Town Council pursuant  
26 to the published notice described above; and

27           **WHEREAS**, the Town Council finds that adoption of this Ordinance through its  
28 police powers will protect the public health, safety, and welfare of the residents of the  
29 Town, and furthers the purpose, goals, objectives, and policies of the Town's  
30 Comprehensive Plan.

31           **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF**

32 **GOLDEN BEACH, FLORIDA<sup>1</sup>:**

33 **Section 1.** That the preceding “Whereas” clauses are ratified and incorporated as  
34 a record of the legislative intent of this Ordinance.

35 **Section 2.** That Chapter 58 “Development Standards,” Article II “Design  
36 Standards,” is hereby deleted as follows:

37 ARTICLE II. – ~~Reserved.~~ **DESIGN STANDARDS**

38 ~~Sec. 58-31. – Intent and purpose.~~

39 ~~The specific and detailed provisions of this article regulating the Development of land~~  
40 ~~are necessary to implement the Town's comprehensive plan. They are specifically~~  
41 ~~required by the objectives and policies included in the Town's comprehensive plan in~~  
42 ~~order to bring this chapter into consistency with the adopted plan.~~

43 ~~Sec. 58-32. – Rights-of-way.~~

44 ~~No right-of-way currently existing within the Town limits shall be vacated or~~  
45 ~~abandoned so as to cause a reduction of its current width. The use of any right-of-way is~~  
46 ~~limited to roadways, sanitary sewer and Potable Water lines, telephone and cable~~  
47 ~~television cables, gas lines, other franchise utilities, sidewalks and bicycle paths as~~  
48 ~~approved by the Town, and landscaping.~~

49 ~~Sec. 58-33. – Preservation of lot area.~~

50 ~~A minimum of 35 percent of the area of each lot, shall be maintained as pervious~~  
51 ~~surface. The use of pervious pavers will be considered in the calculation to the extent the~~  
52 ~~applicant provides credible evidence of the permeability of the surface. Pervious area~~  
53 ~~calculations shall be provided by a State registered Architect, Engineer or Landscape~~  
54 ~~Architect.~~

55 ~~Sec. 58-34. – Reserved.~~

56 ~~Sec. 58-35. – Reserved.~~

57 ~~Sec. 58-36. – Design of Driveways.~~

58 (a) ~~In addition to the garage requirement of sections 66-201 through 66-207, and design~~  
59 ~~of Driveways as set forth in sections 66-221 through 66-225, each residence shall be~~  
60 ~~required to provide one additional paved parking space on-site. The Driveway leading~~

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<sup>1</sup> Additions to the text are shown in underline. Deletions to the text are shown in ~~striketrough~~. Changes made between first and second reading are highlighted in yellow and shown in double underline and ~~double striketrough~~.



61 to the garage may be utilized for this purpose. Each such parking space shall be a  
62 minimum of nine feet in width and 20 feet in length.

63 (b) ~~All applications for new or widened Driveways abutting State Road Number A1A shall~~  
64 ~~be required to receive a permit from Florida Department of Transportation District~~  
65 ~~Number 4 offices prior to receiving a permit for same from the Town.~~

66 ~~Sec. 58-37. Paint colors/permit.~~

67 (a) ~~Paint colors.~~ No exterior of any Structure may be painted, stained, or otherwise  
68 colorized with a color(s) other than a color(s) that is the same or substantially similar  
69 to a color within a paint palate established and approved by the Town Council. All  
70 colors, including accent colors, must be complimentary and harmonious with other  
71 materials and components, including roof tiles incorporated into the Structure. Any  
72 variation from this standard shall be subject to the Town Building Official's prior  
73 approval, or the Town's Building Regulation Advisory Board's approval on appeal of  
74 the Building Official's decision.

75 (b) ~~Paint permit.~~ A Town paint permit shall be required prior to painting or repainting of  
76 the exterior of any Structure.

77 ~~Sec. 58-38. Mailboxes.~~

78 (a) ~~Selection and location.~~ Each owner of a residence within Zone Two (as defined in  
79 section 66-66 of the Town Code) of the Town shall be required to maintain a mailbox  
80 and supporting post that has been selected by the Town Council. The mailbox and  
81 supporting post shall be installed near the paved portion of the road surface fronting  
82 each residence in a location, height, and manner determined by the Town Manager  
83 or his designee.

84 (b) ~~Cost.~~ The Town shall pay for the initial purchase and cost of installing a mailbox and  
85 supporting post for residences located within Zone Two. After such initial installation,  
86 in the event a new mailbox or supporting post is requested or otherwise required, the  
87 real property owner shall be responsible for all costs of such replacement and  
88 installation by the Town.

89 (c) ~~Maintenance.~~ Each real property owner (in all zones of the Town) shall maintain his  
90 or her mailbox and supporting post, if any, in good working condition, order and  
91 appearance. Failure to comply with this section shall subject the owner to penalties  
92 set forth in section 2-211 of this Code.

93 ~~Secs. 58-39 — 58-50. Reserved.~~

94

95 **Section 2.** That Chapter 66 “Zoning” of the Town of Golden Beach Land

96 Development Code is amended to read as follows:

97 **Chapter 66 - ZONING**

98

99 **ARTICLE I. - IN GENERAL**

100  
101 **Sec. 66-00. - Intent and purpose.**

102 The specific and detailed provisions of this Chapter regulating the Development of  
103 land are necessary to implement the Town's comprehensive plan. They are specifically  
104 required by the objectives and policies included in the Town's comprehensive plan in  
105 order to bring this chapter into consistency with the adopted plan.

106  
107 **Section 66-1. – Definitions.**

108  
109 The following words, terms and phrases, when used in this chapter, shall have the  
110 meanings ascribed to them in this section, except where the context clearly indicates  
111 a different meaning:

112  
113 *Buildable Lot* means a lot that meets the requirements of this chapter,  
114 particularly a lot of sufficient dimension and configuration to contain a single family  
115 residence or other permitted structure meeting the minimum lot requirements of the  
116 applicable zoning district.

117  
118 *Common Ownership* means legal or beneficial title to two or more lots, or one  
119 lot and a portion of an adjacent lot, by the same individual, firm, corporation or any  
120 other legal entity.

121  
122 *Construction* means the building of, or improvement to, any structure, or the  
123 clearing, filling, or excavation of any land. It shall also mean any alterations in the  
124 size of any existing structure. When appropriate to the context, Construction refers to  
125 the act of Construction or the result of Construction.

126  
127 ~~*Exempted Lot or Site* means any lot or Construction site constituting a platted~~  
128 ~~undersized lot which on December 21, 1982, did not abut any other vacant lot, held~~  
129 ~~under Common Ownership.~~

130  
131 *Family* shall mean one person or a group of two or more persons living together  
132 and interrelated by bonds of consanguinity, marriage or legal adoption, or a group of  
133 persons not more than three in number who are not so interrelated, occupying the  
134 whole or part of a dwelling as a separate housekeeping unit with a single set of  
135 culinary facilities. The persons thus constituting a family may also include gratuitous  
136 guests and domestic servants. Any person under the age of 18 years whose legal  
137 custody has been awarded to the state Department of Health and Rehabilitative  
138 Services or to a child-placing agency licensed by the Department, or who is otherwise  
139 considered to be a foster child under the laws of the state, and who is placed in foster  
140 care with a family, shall be deemed to be related to and a member of the family for  
141 the purposes of this chapter. Nothing herein shall be construed to include any roomer  
142 or boarder as a member of a family.

144 *Finished Metal* means any metal that has received a finish treatment during  
145 manufacturing. i.e., copper, stainless steel, brass, silver, weathered steel, anodized  
146 aluminum and related metal products.

147  
148 *Frontage* means the length of the edge of the lot abutting the platted Street.  
149 Rectangular lots shall be measured along a straight line abutting the Street between  
150 lot lines. Trapezoidal lots, pie-shaped lots and triangular lots shall be measured along  
151 a straight line drawn between points located on the side lot lines equally distant from  
152 the front lot line and the rear lot line. If the front or rear lot lines are curved the midpoint  
153 chord length, shall determine the width. Frontage of a corner lot shall be determined  
154 by the Town. Corner lots on Golden Beach Drive, South Island, Center Island, North  
155 Island and Ocean Boulevard shall have their frontage on those streets.

156  
157 *Full Size Lot* means a lot with a minimum frontage of 75 feet, and a minimum  
158 area of 11,250 square feet (based upon a minimum depth of 150 feet for a 75-foot  
159 rectangular lot).

160 \* \* \*

161  
162  
163 *Undersized Lot* means a lot with a minimum frontage of 50 feet and a minimum  
164 lot area of 7,500 square feet but which is not a Full Size Lot.

165  
166 **ARTICLE III. – District Regulations**

167 **Sec. 66-66. - Zone designations.**

168 (a) The Town is divided into three construction zones numbered "One," "Two" and  
169 "Three" respectively. Zones shall comprise the following designated on the official  
170 map of the Town of Golden Beach, copyright 1977, as prepared by M.E. Berry,  
171 Surveyor, Hollywood, Florida:

(1)	Zone One .....	Blocks A, B, C, and D
(2)	Zone Two .....	Blocks 1, 2, 3, 4, 5 and 6
(3)	Zone Three .....	Blocks E, F, G, H, J, K, L, and M

172  
173 (b) All Single-Family Residential land use and Construction shall comply with the  
174 requirements of this Code of Ordinances applicable to lots within the designated  
175 zones.

176 **Sec. 66-67. - Zoning districts.**

- 177 (a) All lots and parcels of land within the corporate limits of the Town are zoned in  
 178 accordance with the comprehensive plan and the provision of Charter section  
 179 1.02(a)(3) as either:
- 180 (1) Single-Family Residential [SF].  
 181 (2) Governmental or community facilities [CF].  
 182 (3) Social and athletic or public recreation [R-2].
- 183 (b) Single-Family Residential District. Within the SF district, the following uses are  
 184 permitted:
- 185 (1) Single-Family Residential Dwellings. All property within the SF district shall be  
 186 used for the principal purpose of single-family residential dwellings occupied by  
 187 individual families.
- 188 (2) Accessory Uses. Additionally, a family may use an improved property for  
 189 accessory social and recreational activities customarily associated with single-  
 190 family residential use within the Town, including swimming and boating.
- 191 (3) Prohibited Uses. Except as provided in Section 66-91 governing Residential  
 192 Transient Use and Section 15-10 governing Filming, no business, professional or  
 193 other commercial uses are permitted from or within any SF district. No person  
 194 may use any property within the SF district as a venue for any event, party, other  
 195 commercial or promotional activity where a fee is charged for entry or any type  
 196 of compensation is directly or indirectly given to the property owner for the use of  
 197 the property, nor may any person hold any third party promotional event (other  
 198 than a traditional, daytime open house) at the property for the purpose of  
 199 advertising or otherwise exposing the property for sale. This prohibition shall not  
 200 limit the right of any homeowner to host a non-commercial fundraising event  
 201 customarily conducted from single-family dwellings within the Town, where no  
 202 entry fee is charged and no compensation directly or indirectly is provided ~~paid~~ to  
 203 the homeowner for the use of the property.
- 204 (c) The Future Land Use/Transportation Map adopted by Ordinance 368-88, as  
 205 amended, shall constitute the Land Use and Zoning Map of the Town until adoption  
 206 of an official zoning map pursuant thereto.

207 Sec. 66-68. - ~~Full-Size Lot size requirements restriction.~~

208 (a) Full size lot requirement. No building may be erected, constructed, or substantially  
 209 improved in the Town unless it shall be erected, constructed, or substantially  
 210 improved upon at least one full size lot except as otherwise herein provided. (See  
 211 definition of full size lot.)

212 (b) Lot joinder.

213 a. An Owner may join abutting lots or parcels of land to create a full size lot of at  
 214 least 75 feet of Frontage and 11,250 square feet or larger. Prior to the issuance  
 215 of any building permit, the total parcel, consisting of 75 feet of Frontage and a lot  
 216 size of 11,250 square feet or larger, shall be of Common Ownership and the

217 Owner thereof shall replat, file a unity of title, or obtain a waiver of plat in  
218 accordance with this Code and the ordinances of the Town.

219 b. In cases of new Construction or Substantial Improvements, when the proposed  
220 work encompasses two or more lots, a Unity of Title in a form approved by the  
221 Town, shall be submitted to the Town for approval and after approval recorded in  
222 the Public Records of Dade County at Owner's expense.

223 (c) Lots other than full-size.

224 (1) All vacant Unimproved Lots or parcels of land of less than 75 feet of Frontage  
225 but with a minimum of 50 feet of Frontage, and a minimum area of 7,500 square  
226 feet, may be developed pursuant to the requirements for "Undersized Lots" in  
227 this Chapter.

228 (2) Any vacant lot, which is not a full size lot, which was, on December 21, 1982  
229 abutting other vacant unimproved real property, shall be developed together with  
230 the adjacent lot and the Owner thereof shall replat, file a unity of title, or obtain a  
231 waiver of plat in accordance with this Code and the ordinances of the Town. If  
232 such joinder does not create a full size lot, but does have a minimum of 50 feet  
233 of Frontage and a minimum area of 7,500 square feet, the resulting lot may be  
234 developed as provided in this chapter for an Undersized Lot.

235 (d) Maintenance of minimum lot size. If an existing residential structure is built on two or  
236 more abutting lots, construction or reconstruction thereof shall be permitted only in  
237 accordance with the terms and conditions of this section, and sections 66-70 and 66-  
238 71 below.

239 Sec. 66-69. - Minimum site development requirements. frontage, building square  
240 footage and height of residence.

241 Minimum Requirements: Set forth below are the minimum site development  
242 requirements by Zone. Frontage, building square footage and height of residence  
243 requirements:

244 (1) ~~All residences to be constructed within the Town shall be built on a Full Size Lot~~  
245 ~~with a minimum Frontage of 75 feet except as otherwise herein provided. (See~~  
246 ~~definition of Full Size Lot.)~~

247 (2) ~~A residence constructed on any lot shall have a minimum of 3,000 square feet of~~  
248 ~~Living Area, except on Exempted Lots.~~

249 (3) ~~All residences designed as two-story structures shall be required to increase the~~  
250 ~~side setbacks along two-thirds of the length of the second story by one foot for~~  
251 ~~each one foot of building height above the first 18 feet.~~

252 (4) ~~Lots of less than 75-foot Frontage shall conform to the following:~~

253 a. ~~After December 21, 1982, no lot or combination of regular lots or irregular~~  
254 ~~lots of less than 75 feet of Frontage and less than 11,250 square feet shall~~  
255 ~~constitute a building site for a residence except as otherwise herein provided.~~

256 b. ~~An Owner may join abutting lots or parcels of land to create a building site of~~  
257 ~~at least 75 feet of Frontage and 11,250 square feet or larger. Prior to the~~  
258 ~~issuance of any building permit, the total parcel of 75 feet of Frontage or~~  
259 ~~larger shall be of Common Ownership and the Owner thereof shall replat, file~~  
260 ~~a unity of title, or obtain a waiver of plat in accordance with this Code and the~~  
261 ~~ordinances of the Town.~~

262 ~~(5) The following lots are exempted from this section except as noted in paragraph~~  
263 ~~(1) above:~~

264 a. ~~All vacant Unimproved Lots or parcels of land of less than 75 feet of Frontage~~  
265 ~~but with a minimum of 50 feet of Frontage, and a minimum area of at least~~  
266 ~~7,500 square feet, existing within the Town which would have qualified as a~~  
267 ~~residential building site on December 21, 1982, and which did not abut any~~  
268 ~~other vacant unimproved real property owned by the same Owner on~~  
269 ~~December 21, 1982, shall be exempted from the terms and conditions of~~  
270 ~~sections 66-68 and 66-69(1) and (3). Lots 6 through 20 and 25 through 33 of~~  
271 ~~Block 1, as platted, are also exempt from the terms and conditions of sections~~  
272 ~~66-68 and 66-69(1) and (3).~~

273 b. ~~Any improved lot, in Zone Three, with less than the full lot size required but~~  
274 ~~at least 7,500 square feet of lot area and 50 feet of lot frontage may be~~  
275 ~~redeveloped provided total impervious area does not exceed 40 percent of~~  
276 ~~the lot area, minimum front setbacks of 35 feet and rear setbacks of 30 feet~~  
277 ~~are provided, minimum side setbacks of 7.5 feet are provided, and building~~  
278 ~~height does not exceed 25 feet. Such construction on undersized lots shall~~  
279 ~~meet all other requirements of these land development regulations not~~  
280 ~~modified in this subsection.~~

281 ~~(6) A new residence built after December 21, 1982, on a single Exempted Lot shall~~  
282 ~~contain a minimum of 2,500 square feet of Living Area.~~

283 ~~(7) If an existing residential structure is built on two or more abutting lots construction~~  
284 ~~or reconstruction thereof shall be permitted only in accordance with the terms and~~  
285 ~~conditions of subsections (1) through (5) of this section and section 66-70 below.~~

286 ~~(8) Residential structures built in the Town shall not exceed 27.5 feet in height if built~~  
287 ~~on lots with Frontage of 50 feet or larger, but less than 100 feet; or 30 feet in~~  
288 ~~height if built on 100-foot Frontage or larger parcel or lots. Residential structures~~  
289 ~~built on Exempted Lots shall not exceed 25 feet in height. All height~~  
290 ~~measurements referenced in this subsection shall be measured from the lowest~~  
291 ~~habitable room finished first floor elevation (excluding garages) to the highest~~  
292 ~~ridge of the roof. The height shall be measured from the lowest habitable finished~~  
293 ~~floor. The maximum height limits of this subsection shall apply to all architectural~~  
294 ~~features, provided that functional chimneys may be permitted to extend no more~~  
295 ~~than five feet above the maximum height limits of this subsection. Additional~~  
296 ~~parapet walls up to one foot in height may be permitted above the maximum~~  
297 ~~height limits for flat roofs where the sole purpose is to accommodate the~~  
298 ~~placement of insulation and membrane material.~~

299 ~~(9) In cases of new Construction or Substantial Improvements, when the proposed~~  
300 ~~work encompasses two or more lots, a Unity of Title in a form approved by the~~  
301 ~~Town, shall be submitted to the Town for approval and after approval recorded in~~  
302 ~~the Public Records of Dade County at Owner's expense.~~

303 **66-69.1 Zone One (Oceanfront Properties).**

304 (a) Purpose of district.

305 Zone One is intended to encourage a high-quality luxury oceanfront living  
306 environment to be utilized exclusively for individually owned single-family homes  
307 on larger plots of land. Although the original platted lots in this land area were 50-  
308 feet in width, effective December 21<sup>st</sup>, 1982, the minimum buildable lot sizes were  
309 increased by the Town to 75 feet in width. The Town encourages the aggregation  
310 of older narrow lots to create large oceanfront estates. These land development  
311 regulations are intended to address all of the varying site conditions. Due to the  
312 unique oceanfront characteristics of the land, with undulating land elevations along  
313 the coastal dune ridges, appropriate special criteria is included for this land area.  
314 The Site Development Criteria are provided in this Section and summarized in  
315 Table 1. If conflicts between the text and table exist, the text prevails.

316 (b) Minimum lot frontage and lot area.

317 (1) A Full Size Lot shall have a minimum of 75 feet of lot frontage and 11,250  
318 square feet of lot area.

319 (2) All other Undersized Lots shall have a minimum of 50 feet of lot frontage and  
320 7,500 square feet of lot area.

321 (3) The minimum lot frontage and lot areas of this section and any other provisions  
322 in the Town Code regarding the subdivision of land or the establishment of  
323 Buildable, Undersized, or Full Size Lots, notwithstanding, when any property  
324 Owner subdivides or alters the dimensions or configuration of any land in Zone  
325 One, including existing Full Size Lots or any combination of Undersized Lots or  
326 Full Size Lots, after November 21, 2006, through any legal method of  
327 subdivision, including platting or waiver of plat, no resulting lot, site, tract, parcel  
328 or Lot in Zone One shall have less than: (a) 100 feet of Frontage along a Street;  
329 (b) 150 feet of depth; and (c) 15,000 square feet of area.

330 (c) Minimum building square footage.

331 (1) Full Size Lots - A residence constructed on any Full Size lot shall have a  
332 minimum of 3,000 square feet of Living Area.

333 (2) Undersized Lots – A residence constructed on any Undersized Lot shall have  
334 a minimum of 2,500 square feet of Living Area.

335 (d) Building height.

336 (1) Main Residence.

337 a. Primary residential structures built on lots with a street frontage at least  
338 50 feet in width but less than 75 feet in width shall not exceed 25 feet in  
339 height.

340 b. Primary residential structures built on lots with a street frontage at least  
341 75 feet in width but less than 100 feet in width shall not exceed 27.5 feet  
342 in height.

343 c. Primary residential structures built on lots with a street frontage of 100  
344 feet or more shall not exceed 30 feet in height.

345 d. The height measurement for main residences shall be measured from  
346 the lowest habitable living area which is a maximum of two (2) feet above  
347 the FDEP lowest structural member (18.2 feet NGVD). This height  
348 measurement shall include all portions of the main residence east of the  
349 60-foot front setback line or Coastal Construction Control Line (CCCL),  
350 whichever is more westerly. Areas occupied below 18.2 feet NGVD,  
351 including only garages, storage areas and one bathroom shall not be  
352 considered habitable areas. If any other use occurs in the area below  
353 18.2 feet NGVD it is considered expendable from a flood or wave action  
354 damage standpoint, and those areas shall be considered habitable;  
355 therefore, the building height shall be measured from the lowest floor  
356 level below 18.2 feet NGVD.

357 e. Staircases may be constructed from the lowest habitable floor to the  
358 driveway grades. Due to the main residence lowest habitable floor  
359 elevation requirement as compared to the front yard lot grades near  
360 Ocean Boulevard (above 18.2 feet NGVD vs. 10'-12' NGVD) due to the  
361 FDEP Coastal Construction Control Line (CCCL) criteria, in Zone One,  
362 this subsection for staircases shall take precedence over the Town's  
363 accessory structure subsection for maximum stair heights in Zone One.

364 (2) Garage / Guest Accommodations

365 a. Garages and/or guest accommodations built separate from the main  
366 house, placed near Ocean Boulevard, shall not be more than 25 feet in



367 height, provided however, that any portion of the building over 12 feet in  
368 height shall be setback an additional 1-foot for each one-foot (1:1) of  
369 additional height over 12 feet.

370 b. The height measurement for free-standing garages and/or guest  
371 accommodations shall be measured from a height of two (2) feet above  
372 the average crown of the road adjoining the site, as opposed to the  
373 height allowance for the main residence. Covered walkway structures  
374 between the garage / guest quarters and main residence shall be subject  
375 to these height limitations.

376 (3) Roof-Mounted Accessory Structures

377 The maximum height limits of this subsection shall apply to all architectural  
378 features, provided that functional chimneys may be permitted to extend no  
379 more than five feet above the maximum height limits of this subsection.  
380 Additionally, parapet walls up to one-foot in height may be permitted above  
381 the maximum height limits for flat roofs where the sole purpose is to  
382 accommodate the placement and insulation and membrane material. On a  
383 flat roof with rooftop activities as permitted by Section 66-261, set back a  
384 minimum of 10 feet from each point where the main building walls connect to  
385 the roof, an open railing of not more than four (4) feet above the finished roof  
386 deck may be permitted, subject to the approval of the Building Regulation  
387 Advisory Board.

388 (e) Minimum pervious area.

389 A minimum of 35 percent of the area of each lot shall be maintained as pervious  
390 surface. The use of pervious pavers will be considered in the calculation to the  
391 extent the applicant provides credible evidence of the permeability of the surface.  
392 Pervious area calculations shall be provided by a State of Florida registered  
393 Architect, Engineer, or Landscape Architect. Notwithstanding the above, not more  
394 than 50% credit shall be given for pervious pavers.

395  
396 (f) Front Yard Setbacks.

397 (1) Main Residence. No portion of any primary residential structure shall be  
398 placed closer to the west "front" lot line abutting Ocean Boulevard than sixty  
399 (60) feet.

400 (2) Garage / Guest Accommodations.

401 A garage structure may be built separate from the main house, in which event  
402 it shall be set back a minimum of 20 feet from the west "front" property line. If

403 such a structure is constructed with a second story, the front walls shall be set  
404 back an additional one foot for each one foot (1:1) of total building height above  
405 the first 12 feet.

406 (g) Rear Yard Setbacks.

407 No portion of any house shall be placed closer to the east "rear" lot line abutting the  
408 Atlantic Ocean than behind a line drawn between the corners of the nearest existing  
409 residences parallel to the beach. Notwithstanding the foregoing, stairs and/or  
410 balconies may be located closer to the east "rear" lot line than behind a line drawn  
411 between the corners of the nearest adjacent residences parallel to the beach,  
412 subject to the following restriction

- 413 (1) Elevation. The stairs and/or balconies area shall not exceed an elevation of  
414 20.2 feet NGVD;  
415  
416 (2) Width. The width of the stairs and/or balconies shall not exceed 50 percent of  
417 the width of the principal building. In addition, the stairs and/or balconies shall  
418 be aligned on the building's centerline; and,  
419  
420 (3) Depth. In addition to the provisions for balconies set forth in Sec. 66-262 which  
421 allows a 4-foot encroachment into a rear yard, the depth of the stairs and/or  
422 balconies extending out past the above yard encroachment shall not exceed  
423 25 percent of the width of the principal building.  
424

425 (h) Side Yard Setbacks.

426 (1) Main Residence.

- 427 a. For lots or any combination of lots with 50 feet or more of frontage, but  
428 less than 75 feet of frontage, no portion of any building shall be closer than  
429 seven and one-half (7.5) feet from each side lot line.  
430  
431 b. For lots or any combination of lots with 75 feet or more of frontage, but  
432 less than 100 feet of frontage, no portion of any building shall be closer  
433 than ten (10) feet from each side lot line.  
434  
435 ~~c. For lots or any combination of lots with greater than 100 feet of frontage,~~  
436 ~~no portion of any building shall be closer than ten (10%) percent of the lot~~  
437 ~~width of the frontage of the lot(s), up to a maximum required setback of~~  
438 ~~15 feet from each side lot line.~~  
439  
440 cd. All residences designed as two-story structures shall be required to increase the  
441 side setbacks along two-thirds of the length of the second story by one-foot for  
442 each one-foot (1:1) of building height above the first 12 feet.

443 (2) Garage / Guest Accommodations.

444 A garage structure may be built separate from the main house, in which event  
445 it shall be set back a minimum 10 feet from any side property line. If such a  
446 structure is constructed with a second story, the side walls shall be set  
447 back along two-thirds of the length of the second story an additional one foot  
448 for each one foot (1:1) of total building height above the first 12 feet.

449 (i) Required Yard Space for Garage/Guest Accommodations.

450 (1) For lots or any combination of lots with 50 feet or more of frontage, but less than 75  
451 feet of frontage where the main house and a garage/guest accommodations are  
452 separated, the yard space bounded by the front face of the main house and the  
453 side and front setbacks applicable to the garage structure shall provide a  
454 minimum 1,100 square feet of landscape or hardscape that is otherwise  
455 unimproved with any permanent structure, except that a covered walkway to  
456 connect the structures, with one or both sides entirely open, the width of which  
457 does not exceed ten feet, may be erected within such yard space.

458 (2) For lots or any combination of lots with 75 feet or more of frontage, where the main  
459 house and a garage/guest accommodations are separated, the yard space  
460 bounded by the front face of the main house and the side and front setbacks  
461 applicable to the garage structure shall provide a minimum 2,200 square feet  
462 of landscape or hardscape that is otherwise unimproved with any permanent  
463 structure, except that a covered walkway to connect the structures, with one or  
464 both sides entirely open, the width of which does not exceed ten feet, may be  
465 erected within such yard space.

466 (j) Garages/Guest Accommodations. Subject to the restrictions of this Section, a  
467 garage structure may be built separate from the main house which may be  
468 constructed with a second floor to be used as guest or servant's quarters.

469 (k) The site development requirements of this Section are summarized in the table  
470 below. If conflicts between the text and table exist, the text prevails.

471

<b>TABLE 1</b>			
<b>Zone One</b>			
<b>Site Development Requirements</b>			
	<b>Undersized Lot</b>	<b>Full Size Lot</b>	<b>Full Size Lot</b>
<b>Lot Frontage</b>	50' to <75'	75' to <100'	100'+
<b>Minimum Lot Size</b>	7,500 sq.ft.	11,250 sq.ft.	11,250 sq.ft.

<b><u>Front (West) Setback – Primary Residence</u></b>	<u>60'</u>	<u>60'</u>	<u>60'</u>
<b><u>Rear (East) Setback– Primary Residence</u></b>	No closer to the rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach.	No closer to the rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach.	No closer to the rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach.
<b><u>Side Setback– Primary Residence</u></b>	<u>7.5'</u>	<u>10'</u>	<u>10' 10% of frontage, up to max req'd of 15'</u>
<b><u>Additional Second Story Setback– Primary Residence</u></b>	None	Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12'	Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12'
<b><u>Front (West) Setback - Detached Garage</u></b>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<b><u>Additional Second Story Front Setback– Detached Garage</u></b>	Increase front wall by 1' for each 1' of building height above the first 12'	Increase front wall by 1' for each 1' of building height above the first 12'	Increase front wall by 1' for each 1' of building height above the first 12'
<b><u>Detached Garage – Required Yard Space</u></b>	<u>1,100 sq.ft.</u>	<u>2,200 sq.ft.</u>	<u>2,200 sq.ft.</u>
<b><u>Side Setback – Detached Garage</u></b>	<u>10'</u>	<u>10'</u>	<u>10'</u>
<b><u>Height</u></b>	<u>25'</u>	<u>27.5'</u>	<u>30'</u>
<b><u>Max Impervious</u></b>	<u>65%</u>	<u>65%</u>	<u>65%</u>
<b><u>Min Pervious</u></b>	<u>35%</u>	<u>35%</u>	<u>35%</u>
<b><u>Min Living Area</u></b>	<u>2,500 sq.ft.</u>	<u>3,000 sq.ft.</u>	<u>3,000 sq.ft.</u>

473 **66-69.2 - Zone Two.**

474 **(a) Purpose of district.**

475 Zone Two is intended to encourage a high-quality luxury living environment to be  
476 utilized exclusively for individually owned single-family homes. Although the  
477 original platted lots in this land area were 50-feet in width, effective December 21<sup>st</sup>,  
478 1982, the minimum buildable lot sizes were increased by the Town to 75 feet in  
479 width. The Town encourages the aggregation of older narrow lots to create larger  
480 estates. These land development regulations are intended to address all of the  
481 varying site conditions. The Site Development Criteria are provided in this Section  
482 and summarized in Table 2. If conflicts between the text and table exist, the text  
483 prevails.

484 **(b) Minimum lot frontage and lot area.**

485 (1) A Full Size Lot shall have a minimum of 75 feet of lot frontage and 11,250  
486 square feet of lot area.

487 (2) Undersized Lots shall have a minimum of 50 feet of lot frontage and 7,500  
488 square feet of lot area.

489 (3) Notwithstanding any other provisions in the Town Code regarding the  
490 subdivision of land or the establishment of Buildable, Undersized or Full Size  
491 Lots, if an existing residential structure is built on two or more abutting lots, no  
492 owner may subdivide or alter the dimensions or configuration of the land, or  
493 redevelop the site which previously contained 1 residence on more than one  
494 lot, including existing Full Size Lots or any combination of Undersized Lots,  
495 after [Effective Date of This Ordinance] through any legal method of  
496 subdivision, including platting or waiver of plat, in any way which results in a lot  
497 having less than: (a) 75 feet of Frontage along a Street; and (b) 11,250 square  
498 feet of area.

499 **(c) Minimum building square footage.**

500 (1) Full Size Lots - A residence constructed on any Full Size Lot shall have a  
501 minimum of 3,000 square feet of Living Area.

502 (2) Undersized Lots - A residence constructed on any Undersized Lot shall have  
503 a minimum of 2,500 square feet of Living Area.

504 **(d) Building height.**

- 505        (1) Residential structures built on lots with a street frontage of at least 50 feet in  
506        width but less than 75 feet in width shall not exceed 25 feet in height.
- 507        (2) Residential structures built on lots with a street frontage of at least 75 feet in  
508        width but less than 100 feet in width shall not exceed 27.5 feet in height.
- 509        (3) Residential structures built on lots with a street frontage of 100 feet or more  
510        shall not exceed 30 feet in height.
- 511        (4) The height measurement for main residences shall be measured from the  
512        lowest habitable finished floor (Base Flood Elevation or BFE), as determined  
513        by the latest published FEMA FIRM maps, to the highest ridge of the roof.
- 514        (5) The maximum height limits of this subsection shall apply to all architectural  
515        features, provided that functional chimneys may be permitted to extend no  
516        more than five feet above the maximum height limits of this subsection.  
517        Additional parapet walls up to one foot in height may be permitted above the  
518        maximum height limits for flat roofs where the sole purpose is to  
519        accommodate the placement and insulation and membrane material.

520        (e) Minimum pervious area.

521        A minimum of 35 percent of the area of each lot shall be maintained as pervious  
522        surface. The use of pervious pavers will be considered in the calculation to the  
523        extent the applicant provides credible evidence of the permeability of the surface.  
524        Pervious area calculations shall be provided by a State of Florida registered  
525        Architect, Engineer, or Landscape Architect. Notwithstanding the above, not more  
526        than 50% credit shall be given for pervious pavers.

527        (f) Front Yard Setbacks.

- 528        (1) Lots fronting west side of Ocean Boulevard. Lots with frontage on the west  
529        side of Ocean Boulevard shall provide front yard setbacks as follows:
- 530            a. For Full Size lots, no building or part thereof, including garages, shall be  
531            erected nearer than 40 feet from the east lot line thereof.
- 532            b. For Undersized Lots, no building or part thereof, including garages, shall  
533            be erected nearer than 40 feet from the east lot line thereof.
- 534        (2) Lots fronting east side of Golden Beach Drive. Lots with frontage on the east  
535        side of Golden Beach Drive shall provide front yard setbacks as follows:
- 536            a. For Full Size Lots, no building or part thereof, including garages, shall be  
537            erected nearer than 35 feet from the west lot line thereof.

538            b. For Undersized Size Lots, no building or part thereof, including garages,  
539            shall be erected nearer than 35 feet from the west lot line thereof.

540 (g) Rear Yard Setbacks.

541            (1) Lots fronting west side of Ocean Boulevard. Lots with frontage on the west  
542            side of Ocean Boulevard shall provide rear yard setbacks as follows:

543            a. For Full Size Lots, no building or part thereof, including garages, shall be  
544            erected nearer than 25 feet from the west lot line thereof.

545            b. For Undersized Lots, no building or part thereof, including garages, shall  
546            be erected nearer than 25 feet from the west lot line thereof.

547            (2) Lots fronting east side of Golden Beach Drive. Lots with frontage on the east  
548            side of Golden Beach Drive shall provide rear yard setbacks as follows:

549            a. For Full Size Lots, no building or part thereof, including garages, shall be  
550            erected nearer than 35 feet from the east lot line thereof.

551            b. For Undersized Lots, no building or part thereof, including garages, shall  
552            be erected nearer than 30 feet from the east lot line thereof.

553 (h) Side Yard Setbacks.

554            (1) For lots or any combination of lots with 50 feet or more of frontage, but less  
555            than 75 feet of frontage, no portion of any building shall be closer than seven  
556            and one-half (7.5) feet from each side lot line.

557            (2) For lots or any combination of lots with 75 feet or more of frontage, but less  
558            than 100 feet of frontage, no portion of any building shall be closer than ten  
559            (10) feet from each side lot line.

560            ~~(3) For lots or any combination of lots with greater than 100 feet of frontage, no~~  
561            ~~portion of any building shall be closer than ten (10%) percent of the lot width of~~  
562            ~~the frontage of the lot(s), up to a maximum required setback of 15 feet from~~  
563            ~~each side lot line.~~

564  
565            (34) All residences designed as two-story structures shall be required to increase side  
566            setbacks along two-thirds of the length of the second story by one foot for each one  
567            foot of building height above the first 12 feet.

568 (i) The site development requirements of this Section are summarized in the table  
569 below. If conflicts between the text and table exist, the text prevails.

570

<b>TABLE 2</b>			
<b>Zone 2</b>			
<b>Site Development Requirements</b>			
	<u>Undersized Lot</u>	<u>Full Size Lot</u>	<u>Full Size Lot</u>
<u>Lot Frontage</u>	<u>50' to &lt;75'</u>	<u>75' to &lt;100'</u>	<u>100'+</u>
<u>Minimum Lot Size</u>	<u>7,500 sq.ft.</u>	<u>11,250' sq.ft.</u>	<u>11,250' sq.ft.</u>
<u>Front Setback – Primary residence, garage</u>			
<u>Lots facing on west side of Ocean Blvd</u>	<u>40'</u>	<u>40'</u>	<u>40'</u>
<u>Lots facing on east side of Golden Beach Drive</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
<u>Rear Setback – Primary residence, garage</u>			
<u>Lots facing on west side of Ocean Blvd</u>	<u>25'</u>	<u>25'</u>	<u>25'</u>
<u>Lots facing on east side of Golden Beach Drive</u>	<u>30'</u>	<u>35'</u>	<u>35'</u>
<u>Side Setback – Primary residence, garage</u>	<u>7.5'</u>	<u>10'</u>	<u>10' 10% of frontage, up to max req'd of 15'</u>
<u>Additional Second Story Setback</u>	<u>None</u>	<u>Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12'</u>	<u>Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12'</u>
<u>Height</u>	<u>25'</u>	<u>27.5'</u>	<u>30'</u>
<u>Max Impervious</u>	<u>60%</u>	<u>65%</u>	<u>65%</u>
<u>Min Pervious</u>	<u>40%</u>	<u>35%</u>	<u>35%</u>
<u>Min Living Area</u>	<u>2,500 sq.ft.</u>	<u>3,000 sq.ft.</u>	<u>3,000 sq.ft.)</u>

571

572 **66-69.3 - Zone Three.**

573 (a) Purpose of district.

574 Zone Three is intended to encourage a high-quality luxury waterfront living  
 575 environment (Canals / Intracoastal Waterway) to be utilized exclusively for  
 576 individually owned single-family homes. This Zone encompasses Blocks E, F, G,  
 577 H, J, K, L, and M. Although the original platted lots in this land area were 50-feet



578 in width, effective December 21<sup>st</sup>, 1982, the minimum buildable lot sizes were  
579 increased by the Town to 75 feet in width. The Town encourages the aggregation  
580 of older narrow lots to create larger estates. These land development regulations  
581 are intended to address all of the varying site conditions. The Site Development  
582 Criteria are provided in this Section and summarized in Table 3. If conflicts between  
583 the text and table exist, the text prevails.

584 (b) Minimum lot frontage and lot area.

585 (1) A Full Size Lot shall have a minimum of 75 feet of lot frontage and 11,250  
586 square feet of lot area.

587 (2) All Undersized Lots shall have a minimum of 50 feet of lot frontage and 7,500  
588 square feet of lot area.

589 (3) Notwithstanding any other provisions in the Town Code regarding the  
590 subdivision of land or the establishment of Buildable, Undersized, or Full Size  
591 Lots, if an existing residential structure is built on two or more abutting lots, no  
592 owner may subdivide or alter the dimensions or configuration of the land, or  
593 redevelop the site which previously contained 1 residence on more than one  
594 lot, including existing Full Size Lots or any combination of Undersized Lots,  
595 after [Effective Date of This Ordinance] through any legal method of  
596 subdivision, including platting or waiver of plat, in any way which results in a lot  
597 having less than: (a) 75 feet of Frontage along a Street; and (b) 11,250 square  
598 feet of area.

599 (c) Minimum building square footage.

600 (1) Full Size Lots - A residence constructed on any Full Size lot shall have a  
601 minimum of 3,000 square feet of Living Area.

602 (2) Undersized Lots – A residence constructed on any Undersized Lot shall have  
603 a minimum of 2,500 square feet of Living Area.

604 (d) Building height.

605 (1) Residential structures built on lots with a street frontage of at least 50 feet in  
606 width but less than 75 feet in width shall not exceed 25 feet in height.

607 (2) Residential structures built on lots with a street frontage of at least 75 feet in  
608 width but less than 100 feet in width shall not exceed 27.5 feet in height.

609 (3) Residential structures built on lots with a street frontage of 100 feet or more  
610 shall not exceed 30 feet in height.

611 (4) The height measurement for main residences shall be measured from the  
612 lowest habitable finished floor (Base Flood Elevation or BFE), as determined  
613 by the latest published FEMA FIRM maps, to the highest ridge of the roof.

614 (5) The maximum height limits of this subsection shall apply to all architectural  
615 features, provided that functional chimneys may be permitted to extend no  
616 more than five feet above the maximum height limits of this subsection.  
617 Additional parapet walls up to one foot in height may be permitted above the  
618 maximum height limits for flat roofs where the sole purpose is to  
619 accommodate the placement and insulation and membrane material.

620 (e) Minimum pervious area.

621 A minimum of 35 percent of the area of each lot shall be maintained as pervious  
622 surface. The use of pervious pavers will be considered in the calculation to the  
623 extent the applicant provides credible evidence of the permeability of the surface.  
624 Pervious area calculations shall be provided by a State of Florida registered  
625 Architect, Engineer, or Landscape Architect. Notwithstanding the above, not more  
626 than 50% credit shall be given for pervious pavers.

627 (f) Front Yard Setbacks.

628 No building or part thereof, including garages, shall be erected closer than thirty-five  
629 (35) feet to the front lot line.

630 (g) Rear Yard Setbacks.

631 (1) Full Size Lots. No building or part thereof, including garages, on a Full Size  
632 Lot shall be erected closer than thirty-five (35) feet to the rear lot line  
633 (Intracoastal Waterway and/or canals).

634 (2) Undersized Lots. No building or part thereof, including garages, on an  
635 Undersized Lot shall be erected closer than thirty (30) feet to the rear lot line  
636 (Intracoastal Waterway and/or canals).

637 (h) Side Yard Setbacks.

638 (1) For lots or any combination of lots with 50 feet or more of frontage, but less  
639 than 75 feet of frontage, no portion of any building shall be closer than seven  
640 and one-half (7.5) feet from each side lot line.

642 (2) For lots or any combination of lots with 75 feet or more of frontage, but less  
643 than 100 feet of frontage, no portion of any building shall be closer than ten  
644 (10) feet from each side lot line.  
645

646 ~~(3) For lots or any combination of lots with greater than 100 feet of frontage, no~~  
 647 ~~portion of any building shall be closer than ten (10%) percent of the lot width of~~  
 648 ~~the frontage of the lot(s), up to a maximum required setback of 15 feet from~~  
 649 ~~each side lot line.~~

651 (34) All residences designed as two-story structures shall be required to increase  
 652 side setbacks along two-thirds of the length of the second story by one foot for  
 653 each one foot of building height above the first 12 feet.

654 (i) The site development requirements of this Section are summarized in the table  
 655 below. If conflicts between the text and table exist, the text prevails.

656

<b>TABLE 3</b>			
<b>Zone 3</b>			
<b>Site Development Requirements</b>			
	<u>Undersized Lot</u>	<u>Full Size Lot</u>	<u>Full Size Lot</u>
<u>Lot Frontage</u>	<u>50' to &lt;75'</u>	<u>75' to &lt;100'</u>	<u>100'+</u>
<u>Minimum Lot Size</u>	<u>7,500 sq.ft.</u>	<u>11,250' sq.ft.</u>	<u>11,250' sq.ft.</u>
<u>Front Setback – Primary residence, garage</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
<u>Rear Setback – Primary residence, garage</u>	<u>30'</u>	<u>35'</u>	<u>35'</u>
<u>Side Setback – Primary residence, garage</u>	<u>7.5'</u>	<u>10'</u>	<u>10' 10% of frontage, up to max req'd of 15'</u>
<u>Additional Second Story Setback 66-69(3)</u>	<u>None exempt by</u>	<u>Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12'</u>	<u>Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12'</u>
<u>Height</u>	<u>25'</u>	<u>27.5'</u>	<u>30'</u>
<u>Max Impervious</u>	<u>60%</u>	<u>65%</u>	<u>65%</u>

<u>Min Pervious</u>	<u>40%</u>	<u>35%</u>	<u>35%</u>
<u>Min Living Area</u>	<u>2,500 sq.ft.</u>	<u>3,000 sq.ft.</u>	<u>3,000 sq.ft.</u>

657

658 Sec. 66-70. - Side Property Line requirement.

659 No building may be erected, constructed, or substantially improved in the Town,  
 660 unless it shall be erected, constructed, or substantially improved on a parcel of land with  
 661 side yard property lines or side lot lines that are continuous straight lines. No parcel of  
 662 land shall be platted, replatted, nor shall a waiver of plat be approved for any parcel of  
 663 land unless the parcel has side lot lines that are continuous straight lines.

664 Sec. 66-71. – Vested Rights Reserved. ~~Subdivision of land in Zone One.~~

665 ~~(a) *Minimum requirements.* Notwithstanding any other provisions in the Town Code~~  
 666 ~~regarding the subdivision of land or the establishment of Buildable Lots, when any~~  
 667 ~~property Owner subdivides or alters the dimensions or configuration of any land in~~  
 668 ~~Zone One, including existing Buildable Lots or any combination of Buildable Lots,~~  
 669 ~~through any legal method of subdivision, including platting or waiver of plat, no~~  
 670 ~~resulting lot, site, tract, parcel or Buildable Lot in Zone One shall have less than: (a)~~  
 671 ~~100 feet of Frontage along a Street; (b) 150 feet of depth; and (c) 15,000 square feet~~  
 672 ~~of area.~~

673 ~~For purposes of this section, the term "subdivide" or "subdivision" shall be defined to~~  
 674 ~~mean (a) the division of land for any use so as to create one or more lots, sites, tracts,~~  
 675 ~~parcels or Buildable Lots otherwise designated of any size for the purpose of transfer of~~  
 676 ~~ownership, leasing, or building development.~~

677 ~~(b) *Application.* The foregoing section shall apply to all subdivisions created or otherwise~~  
 678 ~~established in Zone One after November 21, 2006. A subdivision of land in any Zone~~  
 679 ~~other than Zone One must comply with all other applicable provisions of the Code.~~

680 ~~(c) *Determination of vested rights.*~~

681 (1) Nothing in this Ordinance shall be constructed or applied to abrogate the vested  
 682 right of a property Owner to develop or build upon any lot, site, tract, parcel or  
 683 Buildable Lot in Zone One established after November 21, 2006 and prior to the  
 684 effective date of the ordinance from which this section derives, where the property  
 685 Owner can demonstrate by substantial competent evidence each of the following:

686 a. The issuance of a valid and enforceable development approval authorizing  
 687 the subdivision of the property in Zone One, including but not limited to a plat  
 688 or waiver of plat; and

- 689           b. Evidence that the property Owner has detrimentally relied, in good faith, on  
690           the approval described in subsection a. above, by making substantial  
691           expenditures; and
- 692           c. That it would be highly inequitable to deny the property Owner the right to  
693           develop and build upon the property.
- 694       (2) Any property Owner claiming vested rights under this subsection (c) must file an  
695       application with the Town (on a form provided by the Town) within 60 days after  
696       the effective date of the ordinance from which this section derives. The  
697       application shall be accompanied by an application fee of \$500.00 and contain a  
698       sworn statement as to the basis upon which the vested rights are asserted,  
699       together with all documentation supporting the claim. Upon receipt of a complete  
700       application, the Town shall schedule a hearing before the Town Council. The  
701       Town Council shall hold a hearing on the application and, based upon the  
702       documentation submitted, shall make a determination as to whether the property  
703       Owner has established vested rights.

704       \* \* \*

705       DIVISION 3. – Rights-of-way. ~~RESERVED.~~

706       No right-of-way currently existing within the Town limits shall be vacated or abandoned  
707       so as to cause a reduction of its current width. The use of any right-of-way is limited to  
708       roadways, sanitary sewer and Potable Water lines, telephone and cable television cables,  
709       gas lines, other franchise utilities, sidewalks and bicycle paths as approved by the Town,  
710       and landscaping.

711       \* \* \*

712       DIVISION 4. – DESIGN STANDARDS SETBACK AND LOT LINE RESTRICTIONS

713       Sec. 66-136. - Design of Driveways.

714       (a) In addition to the garage requirement of sections 66-201 through 66-207, and design  
715       of Driveways as set forth in sections 66-221 through 66-225, each residence shall  
716       be required to provide one additional paved parking space on-site. The Driveway  
717       leading to the garage may be utilized for this purpose. Each such parking space  
718       shall be a minimum of nine feet in width and 20 feet in length.

719       (b) All applications for new or widened Driveways abutting State Road Number A1A  
720       shall be required to receive a permit from Florida Department of Transportation  
721       District Number 6 offices prior to receiving a permit for same from the Town.

722       Sec. 66-137. - Paint colors/permit.

723 (a) *Paint colors.* No exterior of any Structure may be painted, stained, or otherwise  
724 colorized with a color(s) other than a color(s) that is the same or substantially similar  
725 to a color within a paint palate established and approved by the Town Council. All  
726 colors, including accent colors, must be complimentary and harmonious with other  
727 materials and components, including roof tiles incorporated into the Structure. Any  
728 variation from this standard shall be subject to the Town Building Official's prior  
729 approval, or the Town's Building Regulation Advisory Board's approval on appeal of  
730 the Building Official's decision.

731 (b) *Paint permit.* A Town paint permit shall be required prior to painting or repainting of  
732 the exterior of any Structure.

733 Sec. 66-138. - Mailboxes.

734 (a) *Selection and location.* Each owner of a residence within Zones Two and Three (as  
735 defined in section 66-66 of the Town Code) of the Town shall be required to maintain  
736 a mailbox and supporting post that has been selected by the Town Council. The  
737 mailbox and supporting post shall be installed near the paved portion of the road  
738 surface fronting each residence in a location, height, and manner determined by the  
739 Town Manager or his designee.

740 (b) *Cost.* The Town shall pay for the initial purchase and cost of installing a mailbox and  
741 supporting post for residences located within Zones Two and Three. After such initial  
742 installation, in the event a new mailbox or supporting post is requested or otherwise  
743 required, the real property owner shall be responsible for all costs of such  
744 replacement and installation by the Town.

745 (c) *Maintenance.* Each real property owner (in all zones of the Town) shall maintain his  
746 or her mailbox and supporting post, if any, in good working condition, order and  
747 appearance. Failure to comply with this section shall subject the owner to penalties  
748 set forth in section 2-211 of this Code.

749 ~~Sec. 66-136. - Side line restrictions between adjoining lots.~~

750 ~~(a) For lots or any combination of lots with greater than 50 feet of frontage; no portion of~~  
751 ~~any building shall be closer than ten feet from each side property line.~~

752 ~~(b) For lots or any combination of lots with greater than 100 feet of frontage; no portion~~  
753 ~~of any building shall be closer than ten percent of the width of the frontage of the~~  
754 ~~lot(s), up to a maximum required setback of 15 feet from each side property line of~~  
755 ~~the site.~~

756 ~~Sec. 66-137. - Front and rear lot line restrictions - In Zone One.~~

757 ~~(a) No portion of any house shall be placed closer to the east rear lot line than behind a~~  
758 ~~line drawn between the corners of the nearest existing adjacent residences parallel~~

759 ~~to the beach. Notwithstanding the foregoing, stairs and/or terraces may be located~~  
760 ~~closer to the east rear lot line than behind a line drawn between the corners of the~~  
761 ~~nearest existing adjacent residences parallel to the beach, subject to the following~~  
762 ~~restrictions:~~

763 ~~(1) *Elevation.* The stairs and/or terraces area shall not exceed an elevation of 20 feet~~  
764 ~~NVGD;~~

765 ~~(2) *Width.* The width of the stairs and/or terraces area shall not exceed 50 percent~~  
766 ~~of the width of the principal building. In addition, the stairs and/or terraces area~~  
767 ~~shall be aligned on the principal building's centerline; and~~

768 ~~(3) *Depth.* The depth of the stairs and/or terraces area shall not exceed 25 percent~~  
769 ~~of the width of the principal building.~~

770 ~~(b) On the Ocean Boulevard side of the lots mentioned in subsection (c) of this section,~~  
771 ~~no portion of the house shall be less than 60 feet from the west lot line.~~

772 ~~(c) A garage structure may be built separate from the main house, in which event it shall~~  
773 ~~be set back a minimum of 20 feet from the west property line, and at least ten feet~~  
774 ~~from any side property line. Such garage may be constructed with a second floor to~~  
775 ~~be used as guest or servant's quarters. Where constructed with a second story, the~~  
776 ~~front wall shall be set back an additional one foot for each one foot of total building~~  
777 ~~height above the first 18 feet. If the main house and the garage are separated, the~~  
778 ~~yard space bounded by the front face of the house and the side and front setbacks~~  
779 ~~applicable to the garage structure shall provide a minimum 2,200 square feet of~~  
780 ~~landscape or hardscape that is otherwise unimproved with any permanent structure,~~  
781 ~~except that a covered walkway to connect the structures, with one or both sides~~  
782 ~~entirely open, the width of which does not exceed ten feet, may be erected within~~  
783 ~~such yard space.~~

784 ~~Sec. 66-138. — Same — In Zone Two.~~

785 ~~(a) For lots facing on the west side of Ocean Boulevard, constituting: Lots 1 to 20~~  
786 ~~inclusive in Block 1, Lots 1 to 19 inclusive in Block 2, Lots 1 to 20 inclusive in Block~~  
787 ~~3, Lots 1 to 20 inclusive in Block 4, Lots 1 to 21 inclusive in Block 5, and Lots 1 to 20~~  
788 ~~inclusive in Block 6, no building or part thereof including garages or carports shall be~~  
789 ~~erected nearer than 40 feet from the east lot line thereof or nearer than 25 feet from~~  
790 ~~the west lot line thereof.~~

791 ~~(b) For lots facing on east side of Golden Beach Drive, constituting: Lots 20 to 39~~  
792 ~~inclusive in Block 1, Lots 20 to 38 inclusive in Block 2, Lots 20 to 40 inclusive in Block~~  
793 ~~3, Lots 21 to 40 inclusive in Block 4, Lots 22 to 42 inclusive in Block 5 and Lots 21 to~~  
794 ~~40 inclusive in Block 6, no building or part thereof including garages or carports shall~~

795 be erected nearer than 35 feet from the west lot line thereof, and nearer than 35 feet  
796 from the east lot line thereof.

797 ~~Sec. 66-139. - Same - In Zone Three.~~

798 ~~For lots in Blocks E, F, G, H, J, K, L, and M, no building or part thereof including garages~~  
799 ~~shall be erected less than 35 feet from the property line along the waters of the~~  
800 ~~Intracoastal Waterway and canals and 35 feet from the front property line.~~

801 \* \* \*

802 **Section 3.** That if any section, clause, sentence or phrase of this Ordinance is  
803 for any reason held invalid or unconstitutional by a court of competent jurisdiction, the  
804 holding shall not affect the validity of the remaining portions of this Ordinance.

805 **Section 4.** That all ordinances or parts of ordinances in conflict with the  
806 provisions of this Ordinance are repealed to such extent of the conflict.

807 **Section 5.** That this Ordinance shall be codified in accordance with the  
808 foregoing. It is the intention of the Town Council that the provisions of this Ordinance shall  
809 become and be made a part of the Town of Golden Beach Code of Ordinances; and that  
810 the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance"  
811 may be changed to "section", "article" or such other appropriate word or phrase in order  
812 to accomplish such intentions.

813 **Section 6.** That this Ordinance shall take full effect immediately upon its  
814 passage and adoption.

815 The Motion to adopt the foregoing Ordinance was offered by Councilmember  
816 Rojas, seconded by Vice Mayor Lusskin, and on roll call the following vote ensued:

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

822  
823



824 PASSED AND ADOPTED on first reading this 25<sup>th</sup>, day of April, 2017.

825 The Motion to adopt the foregoing Ordinance was offered by \_\_\_\_\_,

826 seconded by \_\_\_\_\_, and on roll call the following vote ensued:

827 Mayor Glenn Singer \_\_\_\_\_

828 Vice-Mayor Judy Lusskin \_\_\_\_\_

829 Councilmember Kenneth Bernstein \_\_\_\_\_

830 Councilmember Amy Isackson-Rojas \_\_\_\_\_

831 Councilmember Jaime Mendal \_\_\_\_\_

832

833

834 **PASSED AND ADOPTED** on second reading this 16<sup>th</sup>, day of May, 2017.

835

836 ATTEST:

\_\_\_\_\_  
MAYOR GLENN SINGER

837

838

839

840

841 \_\_\_\_\_  
LISSETTE PEREZ

842 TOWN CLERK

843

844

845

846 APPROVED AS TO FORM  
847 AND LEGAL SUFFICIENCY:

848

849

850

851 \_\_\_\_\_  
STEPHEN J. HELFMAN

852 TOWN ATTORNEY

853

854

855