

**GOLDEN BEACH, FLORIDA  
ORDINANCE NO. 421.96**

AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA; ESTABLISHING A "REGULATIONS COMPLIANCE CERTIFICATE" TO BE ISSUED AT COMPLETION OF ANY WORK FOR WHICH A BUILDING PERMIT HAD BEEN ISSUED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE CODE ; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Golden Beach desires to have a uniform and consistent method of checking compliance with the Town Building Regulations; and

WHEREAS, the Town of Golden Beach is subjected to periodic street flooding which flooding is incremented by rainwater running to the street from some private properties, and the Town wishes to control such occurrences; and

WHEREAS, the Town, to promote disposition of rainwater collected in private properties has a regulation mandating the no less than 35% of the area of the lot where the structure is to be built, rehabilitated, added to, or where swimming pools or additional paved areas are added, remains pervious and the Town wishes to check compliance with this rule before a Certificate o Completion (formerly Certificate of Occupancy) is issued, and that both Certificates to be issued at the same time, or regulate the matter to issue the Regulations Compliance Certificate in cases where the Certificate of Completion is not required by the South Florida Building Code; and

WHEREAS, the Town of Golden Beach bases the collection of building permit fees on the actual value of the work performed under such permits, but in some instances the cost declared at the time of application of the building permit is grossly exceeded; and

WHEREAS, the Town has been, for several years, requiring proof of compliance with the above Town Regulations, it now wishes to establish a uniform and consistent method of verifying said regulations, in addition to verification of compliance with the South Florida Building Code; and

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

**Section 1.** A new Final Zoning inspection is hereby established to be requested by the building permit holder following after the approval of the final building inspection, for all building permits, but before the requesting of Certificate of Completion (formerly Certificate of Occupancy), if applicable.

**Section 2.** That the zoning inspection shall comprise the following:

- a. The verification of drainage features and drainage structures as designed and shown on the approved permit plans.
- b. The verification that the actual site improvements are in substantial compliance with the approved ones, as shown and on the permit plans. The compliance with the percentage of pervious area is of paramount importance.

**Section 3.** If the actual site improvements are not in substantial compliance with the approved plans, the inspection shall not be approved. The required corrections shall be made before approval, or the owner shall resubmit the site plan for approval to the Building Regulation Advisory Board, and an application for zoning variance, or variances, shall be submitted for consideration to be granted by the Town Council, if applicable. If a certificate of Completion is required by the South Florida Building Code for structure occupancy, said Certificate shall not be issued by the Building Official until this matter is resolved.

**Section 4.** Two surveys showing the job progress shall be submitted for approval during the construction, as follows:

1. After foundation is completed, but before tie beam inspection, to verify setbacks, first floor minimum elevation NGVD, structure layout and any other features already built. This survey submission requirement is now in effect. What we are now establishing is the proper time of submission for approval. This survey shall be submitted together with the "Elevation Certificate" required to be submitted for approval before the tie beam inspection.
2. The final survey that shall be submitted before a job is considered completed shall include site elevations every 10 feet in each direction, to ascertain compliance with the rainwater runoff and assurance that water will not flow onto adjacent properties, to the street, or to the canal or waterway. This survey shall be submitted before the request for Final Zoning Inspection.

**Section 5.** The Final Zoning Inspection shall also include the verification that the landscaping installed is in substantial compliance with, or exceeds, the plans approved by the Building Regulation Advisory Board. If it is not, the procedure established in Section 3 herein above shall be followed.

**Section 6.** Before the "Regulations Compliance Certificate" is issued, an affidavit executed by both, the owner and the contractor, declaring the total final cost of

construction shall include all costs, building, trades, finishing, landscaping, site improvements, and related costs, for all items included in the building permit.

**Section 7.** If the total cost of construction, as declared in the affidavit, is larger than the value declared in the building permit application, a supplemental building permit shall be submitted covering the cost differential. A supplemental building permit shall be issued, but no double fee penalty and fine shall be applied.

**Section 8. Conflict** That all ordinances or parts of ordinances, all Town Code sections or parts of Town Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 9. Severability** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 10. Inclusion In The Code.** It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Town of Golden Beach; that the sections of the Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 11. Effective Date.** That this Ordinance shall become effective immediately upon its adoption on second reading.

PASSED AND ADOPTED on first reading this day of 17th, day of September 1996.

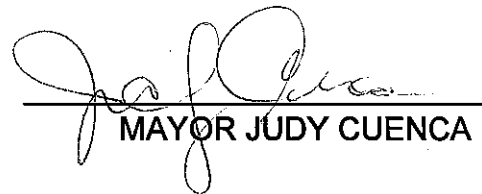
The Motion to adopt the foregoing Ordinance on first reading was offered by Councilmember Lowrance, seconded by Councilmember Rosenthal and on roll call the following vote ensued:

Mayor Cuenca	<u>AYE</u>
Vice Mayor Fistel	<u>ABSENT</u>
Councilman Addicott	<u>AYE</u>
Councilwoman Lowrance	<u>AYE</u>
Councilman Rosenthal	<u>AYE</u>

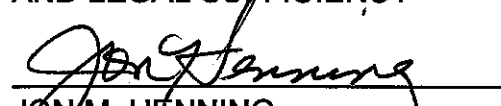
PASSED AND ADOPTED on second reading this 15th day of October, 1996.

The Motion to adopt the foregoing Ordinance on second reading was offered by Councilmember Lowrance, seconded by Councilmember Rosenthal and on roll call the following vote ensued:

Mayor Cuenca	<u>AYE</u>
Vice Mayor Fistel	<u>AYE</u>
Councilman Addicott	<u>ABSENT</u>
Councilwoman Lowrance	<u>AYE</u>
Councilman Rosenthal	<u>AYE</u>

  
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 MAYOR JUDY CUENCA

ATTEST:  
  
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 TOWN CLERK PAT MONGIELLO

APPROVED AS TO FORM  
 AND LEGAL SUFFICIENCY  
  
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 JON M. HENNING  
 TOWN ATTORNEY