

GOLDEN BEACH, FLORIDA

Revised 04/08/96
Revised 06/06/97
Revised 06/11/97
Revised 07/15/97
Amended 07/15/97

ORDINANCE NO. 427.97

AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA; AMENDING CHAPTER 66 ZONING, PROVIDING SOME NEW DEFINITIONS, AMENDING AND REPEALING SOME EXISTING DEFINITIONS IN CHAPTER 66; REPEALING THE PROVISION THAT IRREGULAR LOTS WITH LESS THAN 75 FEET OF STREET FRONTAGE, OR UNDERSIZED LOTS WITH LESS THAN 75 FEET OF STREET FRONTAGE, COULD BE BUILDABLE LOTS; CLARIFYING THE MAXIMUM HEIGHT OF RESIDENTIAL STRUCTURES DEPENDING ON THE WIDTH OF THE RESIDENTIAL LOT; AMENDING THE REGULATIONS FOR THE MINIMUM AND MAXIMUM FIRST FLOOR ELEVATIONS, AND THE SLOPE AND ELEVATION OF LOTS, SWALES AND FENCES ON THE STREET PROPERTY LINE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 66 of the Town Code regulates Zoning; and

WHEREAS, the Town Council desires to amend the regulations regarding zoning as contained herein;

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

Section 1. That Chapter 66, Article I is hereby amended to provide as follows:

"CHAPTER 66

ZONING

ARTICLE I. IN GENERAL

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SEC. 66-1. DEFINITIONS.

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

Buildable Lot means a lot that meets the requirements of this chapter, particularly a lot of sufficient dimension and configuration to contain a single family residence or other permitted structure.

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

Construction means the building of, or ~~substantial~~ improvement to, any structure, or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size ~~or use~~ of any existing structure. ~~or the appearance of any land.~~ When appropriate to the context, Construction refers to the act of Construction or the result of Construction.

Exempted Lot or Site means any lot or Construction site constituting a ~~platted irregular undersized lot or 50-foot lot~~ platted undersized lot which on December 21, 1982, did not abut any other vacant lot, held under Common Ownership.

~~50 Foot Lot means any platted lot which has 50 feet of frontage on the platted Street.~~

Frontage means the length of the edge of the lot abutting the platted Street. Rectangular lots shall be measured along a straight line abutting the Street between lot lines. ~~Irregular + Trapezoidal~~ Trapezoidal lots, ~~or pie-shaped lots and triangular lots~~ and triangular lots shall be measured along a straight line drawn between a points located on the side lot lines equally distant from the front lot line and the rear lot line. If the front or rear lot lines are curved the ~~midpoint arc length, not chord length,~~ shall determine the width. Frontage of a corner lot shall be determined by the town. Corner lots on Golden Beach Drive, South Island, Center Island, North Island and Ocean Boulevard shall have their frontage on those streets.

Full Size Lot means a lot with a minimum frontage of 75 feet.

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Hedge means any group of living plant, including flowers, shrubs, bushes or trees, planted in such a manner as to mark the division or separation of property boundaries or between structures located on abutting lots.

Internal Open Areas of the Second Floor means any spaces enclosed within the outside permanent walls of the structure, whether or not covered by a roof.

~~*Irregularly Platted Lot or Irregular* means any lot which has less than 50 feet of Frontage on the platted street.~~

Living Area includes the inhabitable portions of any residence, but shall exclude garage and porches, patios, separate gatehouse, and cabanas.

Lot Coverage means the total square footage or area which may be legally permitted to be covered by the Construction of a residence and any accessory structures on any building site.

~~*Lot Frontage* means the lineal Frontage of a lot on the designated primary entrance of a residence as listed on the certificate of occupancy of any platted lot.~~

Major Structure includes but is not limited to residential buildings and other Construction having the potential for substantial impact on coastal zones.

State Minimum Building Code . . .

Substantial Improvement, as provided in subsection 161.54 (12), F.S. as may be amended from time to time ,means any repair, reconstruction, rehabilitation or improvement of a structure, the cost of which equals or exceeds, over a five year period, a cumulative total of 50 percent of the market value of the structure either:

(a) before the improvement or repair is started; or

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(b) if the structure has been damaged and is being restored, before the damage occurred.



Swale Area ...

Undersized Lot means any lot which has less than 75 feet, but at least 50 feet of Frontage.

Unimproved Lot ...



SEC. 66-8 FIRE PREVENTION

~~Zones 1, 2 and 3 are declared to be a fireproof district. No structure of any kind, permanent or temporary, shall be erected, remodeled or enlarged within the Town such district unless all exterior walls, columns, chimneys, fireplaces and vents from heaters, stoves, etc., of such buildings or additions are shall be built of brick, clay tile, poured concrete, concrete products, steel, cast iron, aluminum or other metals, masonry or stone, blocks or stone interior columns, may be of steel or cast iron. No existing structures within the Town shall be added to or built new such district, whose with exterior walls or columns which are constructed of, or include, lumber or other inflammable materials, unless the wood to be used is fire retardant pressure treated in a plant treated to retard flame. This type of structure can also be re-built, in case of damage sustained by reasons not under the control of the owner, using the same type of construction materials as were used in the structure prior to the damage but wood must be fire retardant treated. Glass blocks are permitted in nonbearing parts of all walls. No structural addition constructed of wood exterior walls or columns shall be permitted on existing masonry structures unless a variance is applied for, and granted in extenuating circumstances, permitting the use of wood which has been fire retardant pressure treated in a~~

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ARTICLE III. DISTRICT REGULATIONS

SEC. 66-68. FULL SIZE LOT RESTRICTION.

No building may be erected, constructed, or substantially improved ~~or structurally altered~~ in the Town unless it shall be erected, constructed, or substantially improved ~~structurally altered~~ upon at least one full size lot except as otherwise herein provided.

Sec. 66-69. Minimum frontage, square footage and height of residence. The intent of the limitation of the second floor area versus the ground floor livable area is to avoid the bulky structure appearance that results when the exterior walls of the second floor sit on top of the ground floor exterior walls for the whole or the majority part, of the structure perimeter. When this situation is unavoidable, varying roof elevations, or innovative facade design shall be required.

(a) All residences to be constructed within the Town shall be built on a full size lot with a minimum Frontage of 75 feet except as otherwise herein provided.

(b) A residence constructed on any lot shall have a minimum of 3,000 square feet of living area, except on exempted lots.

(c) If any residence, located on a lot of less than 100 feet of frontage, is designed as a two-story structure, the square footage of the living area of the second floor, including all internal open areas of the second floor, shall not exceed 65 percent of the living area of the ground floor except as follows.

(d) The second floor of residences on lots of 100 feet or greater front footage shall not exceed 70 percent of the ~~internal nonvaulted open area of the ground floor living area.~~

(e) Lots of less than 75-foot frontage shall conform to the following:

(1) After December 21, 1982, no lot or combination of regular lots or irregular lots of less than 75 feet of Frontage ~~on a platted street~~ shall constitute a building site for a residence except as otherwise herein provided.

(2) An Owner may join abutting lots or parcels of land to create a building site of at least 75 feet of Frontage or larger. Prior to the issuance of any building permit, The total parcel of 75 feet of Frontage or larger shall be of Common Ownership and the Owner thereof shall replat, file a unity of title, or obtain a waiver of plat in accordance with this Code and the ordinances of the Town. ~~prior to the issuance of a building permit.~~

(f) The following lots are exempted from this section except as noted in paragraph (a) above:

(1) All vacant unimproved lots or parcels of land of less than 75 feet of Frontage but with a minimum of 50 feet of frontage, existing within the city town which would have qualified as a residential building site on December 21, 1982, and which did not abut any other vacant unimproved real property owned by the same Owner on December 21, 1982, shall be exempted from the terms and conditions of sections 66-68 and 66-69(a) and (c).

~~(2) Any vacant irregularly platted lot existing as of December 21, 1982, shall be exempted from the terms and conditions of section 66-68 and section 66-69(a) and (c).~~

(g) A new residence built after December 21, 1982, on a single exempted lot shall contain a minimum of 2,500 square feet of living area. If the structure is designed to be a two-story residence, the square footage of the living area and all ~~nonvaulted~~ internal open areas of the second floor shall not exceed 60 percent of the living area of the ground floor.

(h) If an existing residential structure is built on two or more abutting ~~50-foot lots or on a 50-foot lot and irregular lot,~~ construction or reconstruction thereof shall be permitted only in accordance with the terms and conditions of subsections (a) through ~~(d)~~ (e) of this section and section 66-70 below.

(i) Residential structures built in the Town shall not exceed 27.5 feet in height if built on lots ~~of 51-foot to 99-foot Frontage with frontage of 50 feet or larger, but less than 100 feet;~~ or 30 feet in height if built on 100-foot Frontage or larger parcel or lots. Residential structures built on exempted lots shall not exceed 25 feet in height. All height measurements referenced in this subsection shall be measured from the lowest habitable room finished first floor elevation (excluding garages) to the highest ridge of the roof.

SEC. 66-70 SIDE PROPERTY LINE REQUIREMENT.

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



ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS



DISTRICT 2. ELEVATIONS.

SEC. 66-101. HOUSE AND GARAGE FLOORS.

(a) The minimum elevation of the first floor level of residences shall comply with or conform to flood plan criteria

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and regulatory codes as set forth by Metropolitan Dade County, the State, and the United States Government including the provisions of the National Flood Insurance Program, the South Florida Building Code, this chapter, the Coastal Construction Code, and all other applicable provisions of this Code of Ordinances. The maximum elevation of the first floor level of any residence in the Town above the minimum elevation required by such regulatory codes shall be maintained as follows:

(1) First floor of residences to be constructed on lots in Zone One and on lots facing Ocean Boulevard in Zone Two shall be constructed no higher than two feet above the minimum permitted elevation, as established by the Federal Emergency Management Agency (FEMA), or successor agency, except for residences on lots facing Ocean Boulevard in Zone Two whose first floor level shall be the higher of the minimum permitted elevation or two feet above the minimum elevation of the crown of the road adjacent the lot, or at the elevation as required by the State Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Successor Agency, if this elevation is higher than the minimum elevation plus two feet.

(2) The maximum elevation of the first floor of residences to be constructed on lots in Zone Two adjacent to Ocean Boulevard (SR A-1-A) shall be no higher than the minimum permitted elevation as established by the Federal Emergency Management Agency (FEMA), plus two feet, or no higher than two feet above the maximum elevation of the crown of the road adjacent to the lot, whichever of the two is higher.

(2)(3) First floor of residences to be constructed on all lots in Zone Two which are not adjacent to Ocean Boulevard (SR A-1-A), and lots in Zone Three shall be constructed no higher than two feet above the minimum permitted elevation, as established by the

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Federal Emergency Management Agency (FEMA).

~~(3)~~(4) A survey sealed by a registered surveyor shall be submitted to the Building Official showing the finished floor elevation and the location of structures on the property. This survey shall be presented prior ~~to construction of masonry walls~~ tie beam inspection of the first inspection for roof structure in one story structures or first inspection for second floor framing in two or more story structures.

(b) Garage floor ~~s and sidewalk levels~~ shall be at a minimum of 12 inches above the maximum elevation of the crown of the street fronting the property or at least five feet, two inches, above mean low water at elevation 6 the National Geodetic Vertical Datum (N.G.V.D.), whichever is the higher

(c) If it is anticipated that the garage might be converted to a living space of the structure, then the elevation of the garage floor shall not be lower than one foot below the minimum elevation of the first floor of the structure. If this condition is not met, then the garage can never be converted to a living space of the house or structure maintaining the constructed elevation. However, any existing garage could be converted to living space if the elevation of the finished floor of the converted space is constructed at the minimum flood elevation and the proper permits are obtained.

SEC. 66-102. MINIMUM LOT AND SWALE ELEVATIONS; GRADE.

(a) All property Owners are required to maintain a minimum lot elevation of four feet above N.G.V.D.. Reference Point ~~and to meet the swale area height of their lot Frontage by pitching their lots from the four foot elevation to the swale line elevation in order to promote water drainage, unless the lot is located in an area where the Street is less than four feet in elevation, in which event the lot shall be maintained at a minimum elevation of three feet, three inches, above the~~

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~~National Geodetic Vertical Datum Reference Point, or six inches above the crown of the road, whichever is greater.~~

(b) All property Owners are required to maintain ~~a minimum~~ an elevation of the swale areas adjoining their property at a minimum elevation of one foot below the elevation of their lot the edge of the street pavement fronting the property.

(c) Driveways shall be maintained at an elevation necessary to eliminate any standing water and graded to promote drainage by sloping them toward the pervious area or to any drainage structure built within the property.

(d) The finished grade of any lot in the Town and of walkways may not be increased over two feet above the street grade in any setback area, but the minimum elevation established in the Code shall be maintained and shall not exceed an elevation of 6 feet above the N.G.V.D. except for lots abutting Ocean Boulevard where the minimum elevation shall be 12 inches above the crown of the road, and the maximum elevation shall not exceed an elevation of 11 feet N.G.V.D.. ~~All yards shall be sloped so as to drain to the Street or a drainage gutter or seawall, and shall not drain onto adjacent property.~~



DIVISION 7. WALLS, FENCES AND HEDGES

SEC 66-186. HEIGHT RESTRICTIONS.

(a) In Zone One no wall, hedge, or fence between estates or lots shall be constructed or altered to exceed in height the following: Parallel to the side property line within 60 feet of the west property line, a height of six feet; thence easterly along patios and main house structure to height of six feet; thence easterly for 30 feet, a height of four feet; thence easterly to the ocean front, a height of two feet. No wall, Hedge, or fence higher than two feet may be erected on the east (Ocean Front) property line. No wall,

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Hedge, or fence higher than six feet above the crown of the road may be erected on the (Ocean Boulevard) property line.



(f) All heights stated in this section are measured from the finished ground floor of the site where the fence is to be built. For fences abutting a street, the maximum level of the top of the fence shall be four feet above the finished site elevation without any berming or six feet above the maximum elevation of the crown of the road adjacent to the property whichever is the highest. No berm shall be permitted in the street right of way."

Section 2. 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 3. 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 4. Inclusion In The Code. That 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 relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall become effective immediately upon its adoption on second reading.

Revised 04/08/96
Revised 06/06/97
Revised 06/11/97
Revised 07/15/97
Amended 07/15/97

The Motion to adopt the foregoing Ordinance on first reading was offered by Council Member Lowrance, seconded by Vice Mayor Chikovsky and on roll call the following vote ensued:

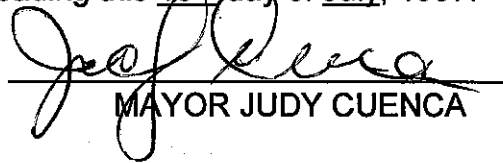
Mayor Cuenca	<u>AYE</u>
Vice Mayor Chikovsky	<u>AYE</u>
Councilwoman Addicott	<u>AYE</u>
Councilman Fistel	<u>NAY</u>
Councilwoman Lowrance	<u>AYE</u>

PASSED AND ADOPTED on first reading this 17TH day of JUNE, 1997.

The Motion to adopt the foregoing Ordinance on second reading was offered by VICE MAYOR CHIKOVSKY, seconded by COUNCIL MEMBER FISTEL and on roll call the following vote ensued:

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

PASSED AND ADOPTED on second reading this 15th day of July, 1997.


MAYOR JUDY CUENCA

ATTEST:


TOWN CLERK, PAT MONGIELLO

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


JON M. HENNING, TOWN ATTORNEY

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