

Amended 11/18/97  
Amended 1/20/98

**GOLDEN BEACH, FLORIDA**

**ORDINANCE NO. 431.98**

**AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA; AMENDING CHAPTER 66 ZONING; CLARIFYING MINIMUM LOT SIZES, CLARIFYING THAT WATER FRONT SETBACKS ARE MEASURED FROM THE PROPERTY LINE NOT THE EDGE OF THE WATER; REQUIRING A UNITY OF TITLE FOR NEW CONSTRUCTION, AND SUBSTANTIAL IMPROVEMENT ON PROPERTIES THAT CROSS PLATTED LOT LINES; PROHIBITING ROOF TOP SOLARIUMS ON TOP OF CABANAS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intention of the Town Council to establish and maintain development standards that protect the property values in the Town and provide for a minimum lot size for residences, for the health, safety and welfare of home owners and neighbors (providing adequate plot size, percolation, beautification and building separation); and

**WHEREAS**, the Town is platted as provided in Plats in the Public Records of Dade County, Florida, which show that many of the platted lots are rectangular shapes but others are irregularly shaped due to curves in the rights-of-way and irregular waterway boundaries; and

**WHEREAS**, the standards for development are provided in Chapter 66 "Zoning", of the Town Code which may be amended from time to time;

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

**Section 1.** That Chapter 66 "Zoning" of the Town Code as amended by Ordinance 427.97, is hereby further amended to provide as follows:

New language is underlined.  
~~Deleted language is struck through.~~  
CO97037

**ORDINANCE NO. 431.98**

"CHAPTER 66

ZONING

ARTICLE I. IN GENERAL

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 improvement to, any structure, or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size of any existing structure. 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 undersized lot which on December 21, 1982, did not abut any other vacant lot, held under Common Ownership.

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

*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. Trapezoidal lots, pie-shaped lots and triangular lots shall be measured along a straight line drawn between 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 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, and a minimum area of 11,250 square feet (based upon a minimum depth of 150' for a 75' rectangular lot).

*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.

*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.

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

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

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*Swale Area ...*

*Undersized Lot* means any lot which has less than 75 feet, but at least 50 feet of Frontage or has an area of less than 11,250 square feet.

*Unimproved Lot ...*

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#### SEC. 66-6. GENERAL CONSTRUCTION REQUIREMENTS.

(a) All exterior coverings of all roofs in the Town shall be either clay, cement, or ceramic tile.

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(h) Galvanized Unfinished metal roof eaves and other exposed exterior metal pieces other than finished metal, shall be painted.

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### ARTICLE III. DISTRICT REGULATIONS

#### SEC. 66-68. FULL SIZE LOT RESTRICTION.

No building may be erected, constructed, or substantially improved in the Town unless it shall be erected, constructed, or substantially improved

upon at least one full size lot except as otherwise herein provided. (See definition of full size lot.)

Sec. 66-69. MINIMUM FRONTAGE, BUILDING 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. (See definition of full size lot.)

(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 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 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 and less than 11,250 square feet 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 and 11,250 square feet 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.

(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, and a minimum area of at least 7,500 square feet, existing within the 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). Lots 6 through 20 and 25 through 33 of Block 1, as platted, are also exempt from the terms and conditions of sections 66-68 and 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 area and all 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 lots construction or reconstruction thereof shall be permitted only in accordance with the terms and conditions of subsections (a) through (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 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. The height shall be measured from the lowest habitable finished floor.

(i.) In cases of new construction or substantial improvements, when the proposed work encompasses two or more lots, a Unity of Title in a form approved by the Town, shall be submitted to the Town for approval and after approval recorded in the Public Records of Dade County at owners expense.



#### **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 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 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, 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 two feet above the maximum elevation of the crown of the road adjacent to the lot, whichever of the two is higher.

(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 Federal Emergency Management Agency (FEMA).

(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 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 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 at elevation 6 the National Geodetic Vertical Datum (N.G.V.D.), whichever is the higher, except Zone 1 which shall meet the requirements of the Florida State Bureau of Beach and Coastal Systems of the Department of Environmental Protection or Federal Emergency Management Agency (FEMA), 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.

(b) All property Owners are required to maintain an elevation of the swale area adjoining their property at a minimum elevation of one foot below the elevation of 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.



**SEC. 66-139. SAME IN ZONE THREE.**

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

## 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, 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."



### SEC 66-251. CABANAS.

In Zone One a cabana or similar structure separate from the main house structure may be permitted to be erected only on the oceanfront of a property provided it contains not more than 250 square feet of roofed area and not more than one story in height. However, no part thereof shall be east of a line joining the corners of nearest existing similar structures nor shall ~~any~~ any part be within 50 feet of the Mean High Water Line; and no part of the roof thereof shall be more than 15 feet above MGVD which floor level is hereby established as a base line. Such structure may be built to the lot lines. Side line and east lot line clearance is not required. No more than one such structure is permitted to be erected for each residence. The roof of the Cabanas shall not be used as solarium or for any other similar use by persons.

**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.

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

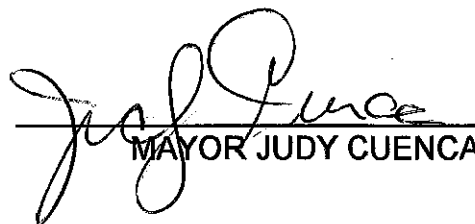
Mayor Cuenca	<u>AYE</u>
Vice Mayor Chikovsky	<u>AYE</u>
Councilwoman Addicott	<u>AYE</u>
Councilman Fistel	<u>AYE</u>
Councilwoman Lowrance	<u>AYE</u>

**PASSED AND ADOPTED** on first reading this 18th day of November, 1997.

The Motion to adopt the foregoing Ordinance on second reading was offered by Councilwoman Addicott, 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>Aye</u>

**PASSED AND ADOPTED** on second reading this 20<sup>th</sup> day of January, 1998.

  
MAYOR JUDY CUENCA

ATTEST:

  
ROBERT JOHNSTON  
INTERIM TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
JON M. HENNING  
TOWN ATTORNEY