

GOLDEN BEACH, FLORIDA

ORDINANCE NO. 522.07

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 66 "ZONING", ARTICLE III "DISTRICT REGULATIONS," SECTION 66-69 "MINIMUM FRONTAGE, BUILDING SQUARE FOOTAGE AND HEIGHT OF RESIDENCE" TO DELETE THE SECOND TO FIRST FLOOR RATIO LIMITATIONS AND TO INCREASE THE SIDE SETBACK REQUIREMENTS FOR TWO STORY RESIDENCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council has determined that many two-story residences located in the Town have a bulky structural appearance because second floor exterior walls sit on top of a substantial portion of the ground floor exterior walls of the structures' perimeter which detracts from the overall appearance of the residences and the character of the Town; and

WHEREAS, the Town Council desires to preserve the appearance of Town residences and the character of the Town by revising the side setback requirements to increase the setback for second stories; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interest of the citizens of the Town of Golden Beach; and

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

Section 1. Recitals Adopted. That each of the above recitals is hereby adopted and confirmed.

Section 2. Amendment of Town Code. That the Code of Ordinances of the Town of Golden Beach, Florida, Section 66-69 entitled "Minimum Frontage, Building Square Footage and Height of Residence" is hereby amended to read as follows¹:

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.~~

Minimum Requirements: Set forth below are the minimum frontage, building square footage and height of residence requirements:

(1) 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.)

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

~~(3) 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.~~

¹ / Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~striketrough~~.

~~(4) 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.~~

(3) All residences designed as two-story structures shall be required to increase the side setbacks along 2/3rds of the length of the second story by one (1) foot for each one (1) foot of building height above the first eighteen (18) feet.

~~(5)~~ (4) Lots of less than 75-foot frontage shall conform to the following:

a. 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.

b. 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.

~~(6)~~ (5) The following lots are exempted from this section except as noted in paragraph (1) above:

a. 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(1) and (3). 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(1) and (3).

~~(7)~~ (6) 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.~~

~~(8)~~ (7) 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 (1) through (5) of this section and section 66-70 below.

~~(9)~~ (8) 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.

~~(10)~~ (9) 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 owner's expense.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 5. Inclusion in the Code. That the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Golden Beach, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Conflict. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

Sponsored by Town Administration.

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

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Rojas	<u>Aye</u>
Councilmember Luskin	<u>Aye</u>

PASSED AND ADOPTED on first reading this 17th day of July, 2007.

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

Mayor Singer	<u>Aye</u>
Vice Mayor Bernstein	<u>Aye</u>
Councilmember Einstein	<u>Aye</u>
Councilmember Rojas	<u>Aye</u>
Councilmember Lusskin	<u>Aye</u>

PASSED AND ADOPTED on second reading this 21st day of August, 2007.

ATTEST:


ELIZABETH SEWELL
TOWN CLERK


MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


STEPHEN J. HELFMAN
TOWN ATTORNEY