

**TOWN OF GOLDEN BEACH, FLORIDA**

**ORDINANCE NO. 524.07**

**AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 66-137 "FRONT AND REAR LOT LINE RESTRICTIONS--IN ZONE ONE," OF CHAPTER 66 "ZONING," TO PERMIT STAIRS AND/OR TERRACES TO BE PLACED, SUBJECT TO CERTAIN RESTRICTIONS, CLOSER TO THE EAST REAR LOT LINE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, currently the Town of Golden Beach (the "Town") Code of Ordinances (the "Code") provides that in Zone One no portion of any house shall be placed closer to the east lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach; and

**WHEREAS**, it is the intent of the Town Council to amend the Town Code to permit in Zone One, subject to certain restrictions, stairs and/or terraces to be placed closer to the east rear lot line; and

**WHEREAS**, the Town Council finds these changes to be in the best interest and welfare of the Town.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**<sup>1</sup>

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

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<sup>1/</sup> Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~strikethrough~~.

**Section 2. Amendment to Section 66-137 of the Code of Ordinances.**

Section 66-137 "Front and rear lot line restrictions--In Zone One," is hereby amended to read as follows:

**DIVISION 4. SETBACK AND LOT LINE RESTRICTIONS**

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**Section. 66-137. Front and rear lot line restrictions--In Zone One.**

(a) No portion of any house shall be placed closer to the east rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach. Notwithstanding the foregoing, stairs and/or terraces may be located closer to the east rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach, subject to the following restrictions:

1. Elevation. The stairs and/or terraces area shall not exceed an elevation of twenty (20) feet NVGD;
2. Width. The width of the stairs and/or terraces area shall not exceed fifty percent (50%) of the width of the principal building. In addition, the stairs and/or terraces area shall be aligned on the principal building's centerline; and
3. Depth. The depth of the stairs and/or terraces area shall not exceed twenty-five percent (25%) of the width of the principal building.

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

(c) A garage and gatehouse structure may be built separate from the main house, in which event it shall be placed at least 20 feet, east of the west property line. If the main house and the garage or guesthouse are separated, there shall be provided between the house structure and the garage or gatehouse structure, a clear yard space of a minimum of 2,200 square feet, in which case a covered walkway, with one or both sides entirely open, the width of which does not exceed ten feet, may be erected within such yard space.

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

**Section 4. 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 5. 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 6. 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 Council Member 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 first reading this 17<sup>th</sup> day of July, 2007.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Rojas, seconded by Councilmember Lusskin 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 21<sup>st</sup> day of August, 2007.

  
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MAYOR GLENN SINGER

ATTEST:

  
ELIZABETH SEWELL  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
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STEPHEN J. HELFMAN  
TOWN ATTORNEY