

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 549.11

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 50, BUILDINGS AND BUILDING REGULATIONS, CHAPTER 54, CONCURRENCY MANAGEMENT, CHAPTER 58 DEVELOPMENT STANDARDS, CHAPTER 66, ZONING, AND APPENDIX A, FRANCHISES, SPECIFICALLY ARTICLE IV, "COMMUNITY ANTENNA TELEVISION SYSTEM (CATV)," TO CORRECT REFERENCES TO THE APPROPRIATE BUILDING CODE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, at the time of adoption of the Town Code, references to the applicable building code were made to the South Florida Building Code; and

WHEREAS, the South Florida Building Code has been replaced by the Florida Building Code as the applicable building code within the Town pursuant to Section 553.73, Florida Statutes; and

WHEREAS, after careful consideration of this matter, the Town Council has determined that it is in the best interests of the Town to amend the Town Code to properly refer to the applicable building code.

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

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Amendment. The Town Code is amended by making modifications to Chapters 50, 54, 58, and 66, and Appendix A, Article IV, in the following particulars:

"Chapter 50. BUILDINGS AND BUILDING REGULATIONS

Section 50-1. Adoption of technical codes.

(a) The document marked, designated, and known as the ~~South~~ Florida Building Code, ~~Dade County Edition~~, as currently in effect and as amended, which is made a part hereof by reference, is hereby adopted as a minimum standard for the purposes expressed therein and shall be known as the Building Code of Golden Beach. The current edition of such building code shall be fully effective as though every word, phrase, sentence or section of the ~~South~~ Florida Building Code, ~~Dade County Edition~~ were fully incorporated in this chapter, including all modifications or amendments.

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Section 50-3. Plans Processing.

Prior to the issuance of a building permit, all building plans shall be submitted to the Building Official in accordance with the requirements of the ~~South~~ Florida Building Code. A nonrefundable permit processing fee established by resolution of the Town Council shall be paid when plans are submitted. If additional plan processing is required to correct earlier deficiencies or change to the plans more than one time, the full permit processing fee will be charged each time revised plans are resubmitted.

Section 50-4. Compliance with this Code.

Before any building permit is issued, all provisions of this Code and Town ordinances, including the ~~South~~ Florida Building Code and other adopted codes designated therein, shall be complied with. The provisions of this

Code and Town ordinances shall be construed to repeal, supersede, or modify any part of the adopted building codes in conflict therewith.

Section 50-4.5. Regulations Compliance Certificate.

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(c) 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.

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Section 50-9. Construction of terminology.

The provisions of this chapter, except where defined to the contrary, shall be consistent with the terminology and definitions of the South Florida Building Code.

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Chapter 54. CONCURRENCY MANAGEMENT

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Section 54-2. Application of chapter.

The provisions of this chapter shall apply to any application received after October 1, 1989, for a building permit, rezoning, land use plan amendment, site plan approval, plat approval, or other official action by the Town having the effect of permitting the development of land. This does not include any variance or other official action necessary solely for the purpose of issuing a permit, other than a building permit, pursuant to the ~~South~~ Florida Building Code.

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Chapter 58. DEVELOPMENT STANDARDS

Section 58-1. Definitions.

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Building Permit means only those Building Permits issued for the following:

- (1) New residential dwelling; or
- (2) An addition which increases the floor area of an existing dwelling to such a size that would be construed by the ~~South~~ Florida Building Code, ~~Dade County Edition~~, to require the entire dwelling unit to comply with current code standards.

* * *

Development Permit means any Building Permit, zoning permit, subdivision or Plat approval, site plan approval, rezoning, special exception or other official action having the effect of permitting the Development of land, but does not include any variance or other official

action necessary solely for the purpose of issuing a permit pursuant to the ~~South~~ Florida Building Code.

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Chapter 66. ZONING

Section 66-1. Definitions.

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State Minimum Building Code means the building code adopted ~~by the Town~~ pursuant to ~~the requirements of~~ F.S. § 553.73, i.e., the Florida Building Code, South Florida Building Code (Dade County edition).

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Section 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 Miami-Dade ~~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:

* * *

Section 66-158. Anchorage.

Electromagnetic and Solar Radiation Collectors shall be anchored securely to the ground or a concrete pad or the structure in conformance with requirements of the South Florida Building Code relative to structures, and bear the seal of a registered engineer. Ground-mounted Collectors shall be installed on a piling unless a registered engineer certifies that the piling is not necessary to prevent the Collectors from becoming a hazard during a storm event. The owner of the Collector shall hold the Town harmless.

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APPENDIX A – FRANCHISES

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ARTICLE IV. COMMUNITY ANTENNA TELEVISION SYSTEM (CATV)

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Sec. 6. Construction standards

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Section 6.3. *Construction and Maintenance Standards* - The Cable Television System shall at all times conform to the construction and maintenance standards set forth below:

* * *

6.3.1. Methods of construction, installation and maintenance of the Cable Television System shall comply with the National Electrical Safety Code 1975 (ANSI CI-1975), and any future amendments, modifications or replacements

thereof, to the extent that such Code is consistent with the local law affecting the construction, installation and maintenance of electrical supply and communications lines including the ~~South Florida Building Code—Dade County Edition~~. To the extent that such Code is inconsistent with the other provisions of this Franchise or with local law, the latter shall govern.

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Section 3. Implementation. The Town Clerk and Town Manager are hereby authorized to take any and all action necessary to implement this Ordinance and make it part of the Town Code including re-numbering or re-lettering the code references and ordering.

Section 4. Conflict. To the extent that this Ordinance conflicts wholly or partially with any existing provision in the Town Code, the terms of this Ordinance shall prevail. Any references in the Town Code to the South Florida Building Code not specifically described herein shall be deemed to refer to the Florida Building Code.

Section 5. Severability. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption.

Sponsored by Town Administration.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Isackson-Rojas, seconded by Councilmember Lusskin, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>

PASSED on first reading this 28th day of June, 2011.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Councilmember Einstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Absent</u>

PASSED AND ADOPTED on second reading this 15th day of November, 2011.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
INTERIM TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY