

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 573.17

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, TO AMEND SUBPART B, "LAND DEVELOPMENT REGULATIONS" OF THE TOWN'S CODE OF ORDINANCES BY DELETING ARTICLE II "DESIGN STANDARDS" OF CHAPTER 58 AND INCORPORATING THOSE PROVISIONS INTO RELEVANT SECTIONS OF CHAPTER 66; AMENDING CHAPTER 66 "ZONING" TO REVISE REQUIREMENTS FOR UNDERSIZED LOTS AND REVISE AND REORGANIZE DISTRICT REGULATIONS INCLUDING SETBACKS, LOT RESTRICTIONS, ENCROACHMENTS AND ADOPT NEW COMPREHENSIVE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166,
2 Florida Statutes, provide municipalities the authority to exercise any power for municipal
3 purposes, except where prohibited by law, and to adopt ordinances in furtherance of such
4 authority; and

5 **WHEREAS**, the Town Council of the Town of Golden Beach ("Town Council") finds
6 it periodically necessary to amend its Code of Ordinances and Land Development
7 Regulations ("Code") in order to update regulations and procedures to implement
8 municipal goals and objectives; and

9 **WHEREAS**, the Town Council has studied the current Code provisions of the Town
10 and finds that certain modifications are necessary and desirable to further regulate all
11 residential development; and

12 **WHEREAS**, the Town desires to provide setback and height regulations for
13 development of undersized lots to encourage development and redevelopment consistent
14 with the aesthetic goals and conditions of the Town; and

15 **WHEREAS**, the Town desires to reorganize the site development regulations,
16 such as height, setbacks, and lot size and coverage requirements in a consolidated user
17 friendly format; and

18 **WHEREAS**, Town staff recommends approval of the proposed changes; and

19 **WHEREAS**, the Town's Local Planning Agency has reviewed this Ordinance on
20 this ____ day of _____, 2017, and has determined that it is consistent with the
21 Town's Comprehensive Plan; and

22 **WHEREAS**, pursuant to Section 166.041 (c)(2), Florida Statutes, notice has been
23 given by publication in a paper of general circulation in the Town, notifying the public of
24 this proposed Ordinance and of the time and dates of the public hearings; and

25 **WHEREAS**, two (2) public hearings were held before the Town Council pursuant
26 to the published notice described above; and

27 **WHEREAS**, the Town Council finds that adoption of this Ordinance through its
28 police powers will protect the public health, safety, and welfare of the residents of the
29 Town, and furthers the purpose, goals, objectives, and policies of the Town's
30 Comprehensive Plan.

31 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF**

32 **GOLDEN BEACH, FLORIDA¹:**

33 **Section 1.** That the preceding "Whereas" clauses are ratified and incorporated as
34 a record of the legislative intent of this Ordinance.

35 **Section 2.** That Chapter 58 "Development Standards," Article II "Design
36 Standards," is hereby deleted as follows:

37 ARTICLE II. – ~~Reserved.~~ **DESIGN STANDARDS**

38 ~~Sec. 58-31. Intent and purpose.~~

39 ~~The specific and detailed provisions of this article regulating the Development of land~~
40 ~~are necessary to implement the Town's comprehensive plan. They are specifically~~
41 ~~required by the objectives and policies included in the Town's comprehensive plan in~~
42 ~~order to bring this chapter into consistency with the adopted plan.~~

43 ~~Sec. 58-32. Rights of way.~~

44 ~~No right of way currently existing within the Town limits shall be vacated or~~
45 ~~abandoned so as to cause a reduction of its current width. The use of any right of way is~~
46 ~~limited to roadways, sanitary sewer and Potable Water lines, telephone and cable~~
47 ~~television cables, gas lines, other franchise utilities, sidewalks and bicycle paths as~~
48 ~~approved by the Town, and landscaping.~~

49 ~~Sec. 58-33. Preservation of lot area.~~

50 ~~A minimum of 35 percent of the area of each lot, shall be maintained as pervious~~
51 ~~surface. The use of pervious pavers will be considered in the calculation to the extent the~~
52 ~~applicant provides credible evidence of the permeability of the surface. Pervious area~~
53 ~~calculations shall be provided by a State registered Architect, Engineer or Landscape~~
54 ~~Architect.~~

55 ~~Sec. 58-34. Reserved.~~

56 ~~Sec. 58-35. Reserved.~~

57 ~~Sec. 58-36. Design of Driveways.~~

58 ~~(a) In addition to the garage requirement of sections 66-201 through 66-207, and design~~
59 ~~of Driveways as set forth in sections 66-221 through 66-225, each residence shall be~~
60 ~~required to provide one additional paved parking space on site. The Driveway leading~~

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~striketrough~~. Changes made between first and second reading are highlighted in yellow and shown in double underline and ~~double striketrough~~. Changes made at second reading are shown in underline and ~~striketrough~~ in red.

61 to the garage may be utilized for this purpose. Each such parking space shall be a
62 minimum of nine feet in width and 20 feet in length.

63 ~~(b) All applications for new or widened Driveways abutting State Road Number A1A shall~~
64 ~~be required to receive a permit from Florida Department of Transportation District~~
65 ~~Number 4 offices prior to receiving a permit for same from the Town.~~

66 ~~Sec. 58-37. Paint colors/permit.~~

67 ~~(a) Paint colors. No exterior of any Structure may be painted, stained, or otherwise~~
68 ~~colorized with a color(s) other than a color(s) that is the same or substantially similar~~
69 ~~to a color within a paint palate established and approved by the Town Council. All~~
70 ~~colors, including accent colors, must be complimentary and harmonious with other~~
71 ~~materials and components, including roof tiles incorporated into the Structure. Any~~
72 ~~variation from this standard shall be subject to the Town Building Official's prior~~
73 ~~approval, or the Town's Building Regulation Advisory Board's approval on appeal of~~
74 ~~the Building Official's decision.~~

75 ~~(b) Paint permit. A Town paint permit shall be required prior to painting or repainting of~~
76 ~~the exterior of any Structure.~~

77 ~~Sec. 58-38. Mailboxes.~~

78 ~~(a) Selection and location. Each owner of a residence within Zone Two (as defined in~~
79 ~~section 66-66 of the Town Code) of the Town shall be required to maintain a mailbox~~
80 ~~and supporting post that has been selected by the Town Council. The mailbox and~~
81 ~~supporting post shall be installed near the paved portion of the road surface fronting~~
82 ~~each residence in a location, height, and manner determined by the Town Manager~~
83 ~~or his designee.~~

84 ~~(b) Cost. The Town shall pay for the initial purchase and cost of installing a mailbox and~~
85 ~~supporting post for residences located within Zone Two. After such initial installation,~~
86 ~~in the event a new mailbox or supporting post is requested or otherwise required, the~~
87 ~~real property owner shall be responsible for all costs of such replacement and~~
88 ~~installation by the Town.~~

89 ~~(c) Maintenance. Each real property owner (in all zones of the Town) shall maintain his~~
90 ~~or her mailbox and supporting post, if any, in good working condition, order and~~
91 ~~appearance. Failure to comply with this section shall subject the owner to penalties~~
92 ~~set forth in section 2-211 of this Code.~~

93 ~~Secs. 58-39—58-50. Reserved.~~

94
95 **Section 2.** That Chapter 66 "Zoning" of the Town of Golden Beach Land

96 Development Code is amended to read as follows:

97 **Chapter 66 - ZONING**

98

99 **ARTICLE I. - IN GENERAL**

100
101 **Sec. 66-00. - Intent and purpose.**

102 The specific and detailed provisions of this Chapter regulating the Development of
103 land are necessary to implement the Town's comprehensive plan. They are specifically
104 required by the objectives and policies included in the Town's comprehensive plan in
105 order to bring this chapter into consistency with the adopted plan.

106
107 **Section 66-1. – Definitions.**

108
109 The following words, terms and phrases, when used in this chapter, shall have the
110 meanings ascribed to them in this section, except where the context clearly indicates
111 a different meaning:

112
113 *Buildable Lot* means a lot that meets the requirements of this chapter,
114 particularly a lot of sufficient dimension and configuration to contain a single family
115 residence or other permitted structure meeting the minimum lot requirements of the
116 applicable zoning district.

117
118 *Common Ownership* means legal or beneficial title to two or more lots, or one
119 lot and a portion of an adjacent lot, by the same individual, firm, corporation or any
120 other legal entity.

121
122 *Construction* means the building of, or improvement to, any structure, or the
123 clearing, filling, or excavation of any land. It shall also mean any alterations in the
124 size of any existing structure. When appropriate to the context, Construction refers to
125 the act of Construction or the result of Construction.

126
127 ~~*Exempted Lot or Site* means any lot or Construction site constituting a platted~~
128 ~~undersized lot which on December 21, 1982, did not abut any other vacant lot, held~~
129 ~~under Common Ownership.~~

130
131 *Family* shall mean one person or a group of two or more persons living together
132 and interrelated by bonds of consanguinity, marriage or legal adoption, or a group of
133 persons not more than three in number who are not so interrelated, occupying the
134 whole or part of a dwelling as a separate housekeeping unit with a single set of
135 culinary facilities. The persons thus constituting a family may also include gratuitous
136 guests and domestic servants. Any person under the age of 18 years whose legal
137 custody has been awarded to the state Department of Health and Rehabilitative
138 Services or to a child-placing agency licensed by the Department, or who is otherwise
139 considered to be a foster child under the laws of the state, and who is placed in foster
140 care with a family, shall be deemed to be related to and a member of the family for
141 the purposes of this chapter. Nothing herein shall be construed to include any roomer
142 or boarder as a member of a family.

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

147
148 *Frontage* means the length of the edge of the lot abutting the platted Street.
149 Rectangular lots shall be measured along a straight line abutting the Street between
150 lot lines. Trapezoidal lots, pie-shaped lots and triangular lots shall be measured along
151 a straight line drawn between points located on the side lot lines equally distant from
152 the front lot line and the rear lot line. If the front or rear lot lines are curved the midpoint
153 chord length, shall determine the width. Frontage of a corner lot shall be determined
154 by the Town. Corner lots on Golden Beach Drive, South Island, Center Island, North
155 Island and Ocean Boulevard shall have their frontage on those streets.

156
157 *Full Size Lot* means a lot with a minimum frontage of 75 feet, and a minimum
158 area of 11,250 square feet (based upon a minimum depth of 150 feet for a 75-foot
159 rectangular lot).

160 * * *

161
162 *Undersized Lot* means a lot with a minimum frontage of 50 feet and a minimum
163 lot area of 7,500 square feet but which is not a Full Size Lot.

164
165 **ARTICLE III. – District Regulations**

166
167 **Sec. 66-66. - Zone designations.**

168 (a) The Town is divided into three construction zones numbered "One," "Two" and
169 "Three" respectively. Zones shall comprise the following designated on the official
170 map of the Town of Golden Beach, copyright 1977, as prepared by M.E. Berry,
171 Surveyor, Hollywood, Florida:

(1)	Zone One	Blocks A, B, C, and D
(2)	Zone Two	Blocks 1, 2, 3, 4, 5 and 6
(3)	Zone Three	Blocks E, F, G, H, J, K, L, and M

172
173 (b) All Single-Family Residential land use and Construction shall comply with the
174 requirements of this Code of Ordinances applicable to lots within the designated
175 zones.

176 **Sec. 66-67. - Zoning districts.**

177 (a) All lots and parcels of land within the corporate limits of the Town are zoned in
178 accordance with the comprehensive plan and the provision of Charter section
179 1.02(a)(3) as either:

180 (1) Single-Family Residential [SF].

181 (2) Governmental or community facilities [CF].

182 (3) Social and athletic or public recreation [R-2].

183 (b) Single-Family Residential District. Within the SF district, the following uses are
184 permitted:

185 (1) Single-Family Residential Dwellings. All property within the SF district shall be
186 used for the principal purpose of single-family residential dwellings occupied by
187 individual families.

188 (2) Accessory Uses. Additionally, a family may use an improved property for
189 accessory social and recreational activities customarily associated with single-
190 family residential use within the Town, including swimming and boating.

191 (3) Prohibited Uses. Except as provided in Section 66-91 governing Residential
192 Transient Use and Section 15-10 governing Filming, no business, professional or
193 other commercial uses are permitted from or within any SF district. No person
194 may use any property within the SF district as a venue for any event, party, other
195 commercial or promotional activity where a fee is charged for entry or any type
196 of compensation is directly or indirectly given to the property owner for the use of
197 the property, nor may any person hold any third party promotional event (other
198 than a traditional, daytime open house) at the property for the purpose of
199 advertising or otherwise exposing the property for sale. This prohibition shall not
200 limit the right of any homeowner to host a non-commercial fundraising event
201 customarily conducted from single-family dwellings within the Town, where no
202 entry fee is charged and no compensation directly or indirectly is provided ~~paid~~
203 to the homeowner for the use of the property.

204 (c) The Future Land Use/Transportation Map adopted by Ordinance 368-88, as
205 amended, shall constitute the Land Use and Zoning Map of the Town until adoption
206 of an official zoning map pursuant thereto.

207 Sec. 66-68. - Full Size Lot size requirements restriction.

208 (a) Full size lot requirement. No building may be erected, constructed, or substantially
209 improved in the Town unless it shall be erected, constructed, or substantially
210 improved upon at least one full size lot except as otherwise herein provided. (See
211 definition of full size lot.)

212 (b) Lot joinder.

213 a. An Owner may join abutting lots or parcels of land to create a full size lot of at
214 least 75 feet of Frontage and 11,250 square feet or larger. Prior to the issuance
215 of any building permit, the total parcel, consisting of 75 feet of Frontage and a lot
216 size of 11,250 square feet or larger, shall be of Common Ownership and the

217 Owner thereof shall replat, file a unity of title, or obtain a waiver of plat in
218 accordance with this Code and the ordinances of the Town.

219 b. In cases of new Construction or Substantial Improvements, when the proposed
220 work encompasses two or more lots, a Unity of Title in a form approved by the
221 Town, shall be submitted to the Town for approval and after approval recorded in
222 the Public Records of Dade County at Owner's expense.

223 (c) Lots other than full-size.

224 (1) All vacant Unimproved Lots or parcels of land of less than 75 feet of Frontage
225 but with a minimum of 50 feet of Frontage, and a minimum area of 7,500 square
226 feet, may be developed pursuant to the requirements for "Undersized Lots" in
227 this Chapter.

228 (2) Any vacant lot, which is not a full size lot, which was, on December 21, 1982
229 abutting other vacant unimproved real property, shall be developed together with
230 the adjacent lot and the Owner thereof shall replat, file a unity of title, or obtain a
231 waiver of plat in accordance with this Code and the ordinances of the Town. If
232 such joinder does not create a full size lot, but does have a minimum of 50 feet
233 of Frontage and a minimum area of 7,500 square feet, the resulting lot may be
234 developed as provided in this chapter for an Undersized Lot.

235 (d) Maintenance of minimum lot size. If an existing residential structure is built on two or
236 more abutting lots, construction or reconstruction thereof shall be permitted only in
237 accordance with the terms and conditions of this section, and sections 66-70 and 66-
238 71 below.

239 Sec. 66-69. - Minimum site development requirements. frontage, building square
240 footage and height of residence.

241 Minimum Requirements: Set forth below are the minimum site development
242 requirements by Zone. Frontage, building square footage and height of residence
243 requirements:

244 (1) ~~All residences to be constructed within the Town shall be built on a Full-Size Lot~~
245 ~~with a minimum Frontage of 75 feet except as otherwise herein provided. (See~~
246 ~~definition of Full-Size Lot.)~~

247 (2) ~~A residence constructed on any lot shall have a minimum of 3,000 square feet of~~
248 ~~Living Area, except on Exempted Lots.~~

249 (3) ~~All residences designed as two-story structures shall be required to increase the~~
250 ~~side setbacks along two-thirds of the length of the second story by one foot for~~
251 ~~each one foot of building height above the first 18 feet.~~

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

253 a. ~~After December 21, 1982, no lot or combination of regular lots or irregular~~
254 ~~lots of less than 75 feet of Frontage and less than 11,250 square feet shall~~
255 ~~constitute a building site for a residence except as otherwise herein provided.~~

256 b. ~~An Owner may join abutting lots or parcels of land to create a building site of~~
257 ~~at least 75 feet of Frontage and 11,250 square feet or larger. Prior to the~~
258 ~~issuance of any building permit, the total parcel of 75 feet of Frontage or~~
259 ~~larger shall be of Common Ownership and the Owner thereof shall replat, file~~
260 ~~a unity of title, or obtain a waiver of plat in accordance with this Code and the~~
261 ~~ordinances of the Town.~~

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

264 a. ~~All vacant Unimproved Lots or parcels of land of less than 75 feet of Frontage~~
265 ~~but with a minimum of 50 feet of Frontage, and a minimum area of at least~~
266 ~~7,500 square feet, existing within the Town which would have qualified as a~~
267 ~~residential building site on December 21, 1982, and which did not abut any~~
268 ~~other vacant unimproved real property owned by the same Owner on~~
269 ~~December 21, 1982, shall be exempted from the terms and conditions of~~
270 ~~sections 66-68 and 66-69(1) and (3). Lots 6 through 20 and 25 through 33 of~~
271 ~~Block 1, as platted, are also exempt from the terms and conditions of sections~~
272 ~~66-68 and 66-69(1) and (3).~~

273 b. ~~Any improved lot, in Zone Three, with less than the full lot size required but~~
274 ~~at least 7,500 square feet of lot area and 50 feet of lot frontage may be~~
275 ~~redeveloped provided total impervious area does not exceed 40 percent of~~
276 ~~the lot area, minimum front setbacks of 35 feet and rear setbacks of 30 feet~~
277 ~~are provided, minimum side setbacks of 7.5 feet are provided, and building~~
278 ~~height does not exceed 25 feet. Such construction on undersized lots shall~~
279 ~~meet all other requirements of these land development regulations not~~
280 ~~modified in this subsection.~~

281 (6) ~~A new residence built after December 21, 1982, on a single Exempted Lot shall~~
282 ~~contain a minimum of 2,500 square feet of Living Area.~~

283 (7) ~~If an existing residential structure is built on two or more abutting lots construction~~
284 ~~or reconstruction thereof shall be permitted only in accordance with the terms and~~
285 ~~conditions of subsections (1) through (5) of this section and section 66-70 below.~~

286 (8) ~~Residential structures built in the Town shall not exceed 27.5 feet in height if built~~
287 ~~on lots with Frontage of 50 feet or larger, but less than 100 feet; or 30 feet in~~
288 ~~height if built on 100-foot Frontage or larger parcel or lots. Residential structures~~
289 ~~built on Exempted Lots shall not exceed 25 feet in height. All height~~
290 ~~measurements referenced in this subsection shall be measured from the lowest~~
291 ~~habitable room finished first floor elevation (excluding garages) to the highest~~
292 ~~ridge of the roof. The height shall be measured from the lowest habitable finished~~
293 ~~floor. The maximum height limits of this subsection shall apply to all architectural~~
294 ~~features, provided that functional chimneys may be permitted to extend no more~~
295 ~~than five feet above the maximum height limits of this subsection. Additional~~
296 ~~parapet walls up to one foot in height may be permitted above the maximum~~
297 ~~height limits for flat roofs where the sole purpose is to accommodate the~~
298 ~~placement of insulation and membrane material.~~

299 ~~(9) In cases of new Construction or Substantial Improvements, when the proposed~~
300 ~~work encompasses two or more lots, a Unity of Title in a form approved by the~~
301 ~~Town, shall be submitted to the Town for approval and after approval recorded in~~
302 ~~the Public Records of Dade County at Owner's expense.~~

303 **66-69.1 Zone One (Oceanfront Properties).**

304 (a) Purpose of district.

305 Zone One is intended to encourage a high-quality luxury oceanfront living
306 environment to be utilized exclusively for individually owned single-family homes
307 on larger plots of land. Although the original platted lots in this land area were 50-
308 feet in width, effective December 21st, 1982, the minimum buildable lot sizes were
309 increased by the Town to 75 feet in width. The Town encourages the aggregation
310 of older narrow lots to create large oceanfront estates. These land development
311 regulations are intended to address all of the varying site conditions. Due to the
312 unique oceanfront characteristics of the land, with undulating land elevations along
313 the coastal dune ridges, appropriate special criteria is included for this land area.
314 The Site Development Criteria are provided in this Section and summarized in
315 Table 1. If conflicts between the text and table exist, the text prevails.

316 (b) Minimum lot frontage and lot area.

317 (1) A Full Size Lot shall have a minimum of 75 feet of lot frontage and 11,250
318 square feet of lot area.

319 (2) All other Undersized Lots shall have a minimum of 50 feet of lot frontage and
320 7,500 square feet of lot area.

321 (3) The minimum lot frontage and lot areas of this section and any other provisions
322 in the Town Code regarding the subdivision of land or the establishment of
323 Buildable, Undersized, or Full Size Lots, notwithstanding, when any property
324 Owner subdivides or alters the dimensions or configuration of any land in Zone
325 One, including existing Full Size Lots or any combination of Undersized Lots or
326 Full Size Lots, after November 21, 2006, through any legal method of
327 subdivision, including platting or waiver of plat, no resulting lot, site, tract, parcel
328 or Lot in Zone One shall have less than: (a) 100 feet of Frontage along a Street;
329 (b) 150 feet of depth; and (c) 15,000 square feet of area.

330 (c) Minimum building square footage.

331 (1) Full Size Lots - A residence constructed on any Full Size lot shall have a
332 minimum of 3,000 square feet of Living Area.

333 (2) Undersized Lots – A residence constructed on any Undersized Lot shall have
334 a minimum of 2,500 square feet of Living Area.

335 (d) Building height.

336 (1) Main Residence.

337 ~~a. Primary residential structures built on lots with a street frontage at least~~
338 ~~50 feet in width but less than 75 feet in width shall not exceed 25 feet in~~
339 ~~height.~~

340 ~~a.b. Primary residential structures built on lots with a street frontage at least 50 75~~
341 ~~feet in width but less than 100 feet in width shall not exceed 27.5 feet in height.~~

342 ~~b.e. Primary residential structures built on lots with a street frontage of 100 feet or~~
343 ~~more shall not exceed 30 feet in height.~~

344 ~~c.d. The height measurement for main residences shall be measured from the~~
345 ~~lowest habitable living area which is a maximum of two (2) feet above the FDEP~~
346 ~~lowest structural member (18.2 feet NGVD). This height measurement shall~~
347 ~~include all portions of the main residence east of the 60-foot front setback line~~
348 ~~or Coastal Construction Control Line (CCCL), whichever is more westerly.~~
349 ~~Areas occupied below 18.2 feet NGVD, including only garages, storage areas~~
350 ~~and one bathroom shall not be considered habitable areas. If any other use~~
351 ~~occurs in the area below 18.2 feet NGVD it is considered expendable from a~~
352 ~~flood or wave action damage standpoint, and those areas shall be considered~~
353 ~~habitable; therefore, the building height shall be measured from the lowest floor~~
354 ~~level below 18.2 feet NGVD.~~

355 ~~d.e. Staircases may be constructed from the lowest habitable floor to the driveway~~
356 ~~grades. Due to the main residence lowest habitable floor elevation requirement~~
357 ~~as compared to the front yard lot grades near Ocean Boulevard (above 18.2~~
358 ~~feet NGVD vs. 10'-12' NGVD) due to the FDEP Coastal Construction Control~~
359 ~~Line (CCCL) criteria, in Zone One, this subsection for staircases shall take~~
360 ~~precedence over the Town's accessory structure subsection for maximum stair~~
361 ~~heights in Zone One.~~

362 (2) Garage / Guest Accommodations

363 a. Garages and/or guest accommodations built separate from the main
364 house, placed near Ocean Boulevard, shall not be more than 25 feet in
365 height, provided however, that any portion of the building over ~~42~~ 18 feet

366 in height shall be setback an additional 1-foot for each one-foot (1:1) of
367 additional height over 42 18 feet.

368 b. The height measurement for free-standing garages and/or guest
369 accommodations shall be measured from a height of two (2) feet above
370 the average crown of the road adjoining the site, as opposed to the
371 height allowance for the main residence. Covered walkway structures
372 between the garage / guest quarters and main residence shall be subject
373 to these height limitations.

374 (3) Roof-Mounted Accessory Structures

375 The maximum height limits of this subsection shall apply to all architectural
376 features, provided that functional chimneys may be permitted to extend no
377 more than five feet above the maximum height limits of this subsection.
378 Additionally, parapet walls up to one-foot in height may be permitted above
379 the maximum height limits for flat roofs where the sole purpose is to
380 accommodate the placement and insulation and membrane material. On a
381 flat roof with rooftop activities as permitted by Section 66-261, set back a
382 minimum of 10 feet from each point where the main building walls connect to
383 the roof, an open railing of not more than four (4) feet above the finished roof
384 deck may be permitted, subject to the approval of the Building Regulation
385 Advisory Board.

386 (e) Minimum pervious area.

387 A minimum of 35 percent of the area of each lot shall be maintained as pervious
388 surface. The use of pervious pavers will be considered in the calculation to the
389 extent the applicant provides credible evidence of the permeability of the surface.
390 Pervious area calculations shall be provided by a State of Florida registered
391 Architect, Engineer, or Landscape Architect. Notwithstanding the above, not more
392 than 50% credit shall be given for pervious pavers.

393
394 (f) Front Yard Setbacks.

395 (1) Main Residence. No portion of any primary residential structure shall be
396 placed closer to the west "front" lot line abutting Ocean Boulevard than sixty
397 (60) feet.

398 (2) Garage / Guest Accommodations.

399 A garage structure may be built separate from the main house, in which event
400 it shall be set back a minimum of 20 feet from the west "front" property line. If
401 such a structure is constructed with a second story, the front walls shall be set

402 back an additional one foot for each one foot (1:1) of total building height above
403 the first 12 18 feet.

404 (g) Rear Yard Setbacks.

405 No portion of any house shall be placed closer to the east "rear" lot line abutting the
406 Atlantic Ocean than behind a line drawn between the corners of the nearest existing
407 residences parallel to the beach. Notwithstanding the foregoing, stairs and/or
408 balconies may be located closer to the east "rear" lot line than behind a line drawn
409 between the corners of the nearest adjacent residences parallel to the beach,
410 subject to the following restriction

411 (1) Elevation. The stairs and/or balconies area shall not exceed an elevation of
412 20.2 feet NGVD;

413
414 (2) Width. The width of the stairs and/or balconies shall not exceed 50 percent of
415 the width of the principal building. In addition, the stairs and/or balconies shall
416 be aligned on the building's centerline; and,

417
418 (3) Depth. In addition to the provisions for balconies set forth in Sec. 66-262 which
419 allows a 4-foot encroachment into a rear yard, the depth of the stairs and/or
420 balconies extending out past the above yard encroachment shall not exceed
421 25 percent of the width of the principal building.

422

423 (h) Side Yard Setbacks.

424 (1) Main Residence.

425 a. For lots or any combination of lots with 50 feet or more of frontage, but
426 less than 75 feet of frontage, no portion of any building shall be closer than
427 seven and one-half (7.5) feet from each side lot line.

428
429 b. For lots or any combination of lots with 75 feet or more of frontage, but
430 less than 100 feet of frontage, no portion of any building shall be closer
431 than ten (10) feet from each side lot line.

432
433 ~~e. For lots or any combination of lots with greater than 100 feet of frontage,~~
434 ~~no portion of any building shall be closer than ten (10%) percent of the lot~~
435 ~~width of the frontage of the lot(s), up to a maximum required setback of~~
436 ~~15 feet from each side lot line.~~

437
438 cd. All residences designed as two-story structures shall be required to increase the
439 side setbacks along two-thirds of the length of the second story by one-foot for
440 each one-foot (1:1) of building height above the first 12 18 feet.

441 (2) Garage / Guest Accommodations.

442 A garage structure may be built separate from the main house, in which event
 443 it shall be set back a minimum 10 feet from any side property line. If such a
 444 structure is constructed with a second story, the side walls shall be set back
 445 along two-thirds of the length of the second story an additional one foot for each
 446 one foot (1:1) of total building height above the first ~~12~~ 18 feet.

447 (i) Required Yard Space for Garage/Guest Accommodations.

448 (1) For lots or any combination of lots with 50 feet or more of frontage, but less than 75
 449 feet of frontage where the main house and a garage/guest accommodations are
 450 separated, the yard space bounded by the front face of the main house and the
 451 side and front setbacks applicable to the garage structure shall provide a
 452 minimum 1,100 square feet of landscape or hardscape that is otherwise
 453 unimproved with any permanent structure, except that a covered walkway to
 454 connect the structures, with one or both sides entirely open, the width of which
 455 does not exceed ten feet, may be erected within such yard space.

456 (2) For lots or any combination of lots with 75 feet or more of frontage, where the main
 457 house and a garage/guest accommodations are separated, the yard space
 458 bounded by the front face of the main house and the side and front setbacks
 459 applicable to the garage structure shall provide a minimum 2,200 square feet
 460 of landscape or hardscape that is otherwise unimproved with any permanent
 461 structure, except that a covered walkway to connect the structures, with one or
 462 both sides entirely open, the width of which does not exceed ten feet, may be
 463 erected within such yard space.

464 (j) Garages/Guest Accommodations. Subject to the restrictions of this Section, a
 465 garage structure may be built separate from the main house which may be
 466 constructed with a second floor to be used as guest or servant's quarters.

467 (k) The site development requirements of this Section are summarized in the table
 468 below. If conflicts between the text and table exist, the text prevails.

469

TABLE 1			
Zone One			
Site Development Requirements			
	Undersized Lot	Full Size Lot	Full Size Lot
Lot Frontage	<u>50' to <75'</u>	<u>75' to <100'</u>	<u>100'+</u>
Minimum Lot Size	<u>7,500 sq.ft.</u>	<u>11,250 sq.ft.</u>	<u>11,250 sq.ft.</u>

Front (West) Setback – Primary Residence	<u>60'</u>	<u>60'</u>	<u>60'</u>
Rear (East) Setback– Primary Residence	No closer to the rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach.	No closer to the rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach.	No closer to the rear lot line than behind a line drawn between the corners of the nearest existing adjacent residences parallel to the beach.
Side Setback– Primary Residence	<u>7.5'</u>	<u>10'</u>	<u>10' 10% of frontage, up to max req'd of 15'</u>
Additional Second Story Setback– Primary Residence	None Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12 18'	Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12 18'	Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12 18'
Front (West) Setback - Detached Garage	<u>20'</u>	<u>20'</u>	<u>20'</u>
Additional Second Story Front Setback– Detached Garage	Increase front wall by 1' for each 1' of building height above the first 12 18'	Increase front wall by 1' for each 1' of building height above the first 12 18'	Increase front wall by 1' for each 1' of building height above the first 12 18'
Detached Garage – Required Yard Space	<u>1,100 sq.ft.</u>	<u>2,200 sq.ft.</u>	<u>2,200 sq.ft.</u>
Side Setback – Detached Garage	<u>10'</u>	<u>10'</u>	<u>10'</u>
Height	27.5' <u>25'</u>	<u>27.5'</u>	<u>30'</u>
Max Impervious	<u>65%</u>	<u>65%</u>	<u>65%</u>
Min Pervious	<u>35%</u>	<u>35%</u>	<u>35%</u>
Min Living Area	<u>2,500 sq.ft.</u>	<u>3,000 sq.ft.</u>	<u>3,000 sq.ft.</u>

471 **66-69.2 - Zone Two.**

472 **(a) Purpose of district.**

473 Zone Two is intended to encourage a high-quality luxury living environment to be
474 utilized exclusively for individually owned single-family homes. Although the
475 original platted lots in this land area were 50-feet in width, effective December 21st,
476 1982, the minimum buildable lot sizes were increased by the Town to 75 feet in
477 width. The Town encourages the aggregation of older narrow lots to create larger
478 estates. These land development regulations are intended to address all of the
479 varying site conditions. The Site Development Criteria are provided in this Section
480 and summarized in Table 2. If conflicts between the text and table exist, the text
481 prevails.

482 **(b) Minimum lot frontage and lot area.**

483 (1) A Full Size Lot shall have a minimum of 75 feet of lot frontage and 11,250
484 square feet of lot area.

485 (2) Undersized Lots shall have a minimum of 50 feet of lot frontage and 7,500
486 square feet of lot area.

487 (3) Notwithstanding any other provisions in the Town Code regarding the
488 subdivision of land or the establishment of Buildable, Undersized or Full Size
489 Lots, if an existing residential structure is built on two or more abutting lots, no
490 owner may subdivide or alter the dimensions or configuration of the land, or
491 redevelop the site which previously contained 1 residence on more than one
492 lot, including existing Full Size Lots or any combination of Undersized Lots,
493 after [Effective Date of This Ordinance] through any legal method of
494 subdivision, including platting or waiver of plat, in any way which results in a lot
495 having less than: (a) 75 feet of Frontage along a Street; and (b) 11,250 square
496 feet of area.

497 **(c) Minimum building square footage.**

498 (1) Full Size Lots - A residence constructed on any Full Size Lot shall have a
499 minimum of 3,000 square feet of Living Area.

500 (2) Undersized Lots - A residence constructed on any Undersized Lot shall have
501 a minimum of 2,500 square feet of Living Area.

502 **(d) Building height.**

503 ~~(1) Residential structures built on lots with a street frontage of at least 50 feet in~~
504 ~~width but less than 75 feet in width shall not exceed 25 feet in height.~~

505 (12) Residential structures built on lots with a street frontage of at least 50 75 feet in width
506 but less than 100 feet in width shall not exceed 27.5 feet in height.

507 (23) Residential structures built on lots with a street frontage of 100 feet or more shall not
508 exceed 30 feet in height.

509 (34) The height measurement for main residences shall be measured from the lowest
510 habitable finished floor (Base Flood Elevation or BFE), as determined by the latest
511 published FEMA FIRM maps, to the highest ridge of the roof.

512 (45) The maximum height limits of this subsection shall apply to all architectural features,
513 provided that functional chimneys may be permitted to extend no more than five feet
514 above the maximum height limits of this subsection. Additional parapet walls up to
515 one foot in height may be permitted above the maximum height limits for flat roofs
516 where the sole purpose is to accommodate the placement and insulation and
517 membrane material.

518 (e) Minimum pervious area.

519 A minimum of 35 percent of the area of each lot shall be maintained as pervious
520 surface. The use of pervious pavers will be considered in the calculation to the
521 extent the applicant provides credible evidence of the permeability of the surface.
522 Pervious area calculations shall be provided by a State of Florida registered
523 Architect, Engineer, or Landscape Architect. Notwithstanding the above, not more
524 than 50% credit shall be given for pervious pavers.

525 (f) Front Yard Setbacks.

526 (1) Lots fronting west side of Ocean Boulevard. Lots with frontage on the west
527 side of Ocean Boulevard shall provide front yard setbacks as follows:

528 a. For Full Size lots, no building or part thereof, including garages, shall be
529 erected nearer than 40 feet from the east lot line thereof.

530 b. For Undersized Lots, no building or part thereof, including garages, shall
531 be erected nearer than 40 feet from the east lot line thereof.

532 (2) Lots fronting east side of Golden Beach Drive. Lots with frontage on the east
533 side of Golden Beach Drive shall provide front yard setbacks as follows:

534 a. For Full Size Lots, no building or part thereof, including garages, shall be
535 erected nearer than 35 feet from the west lot line thereof.

536 b. For Undersized Size Lots, no building or part thereof, including garages,
537 shall be erected nearer than 35 feet from the west lot line thereof.

538 (g) Rear Yard Setbacks.

539 (1) Lots fronting west side of Ocean Boulevard. Lots with frontage on the west
540 side of Ocean Boulevard shall provide rear yard setbacks as follows:

541 a. For Full Size Lots, no building or part thereof, including garages, shall be
542 erected nearer than 25 feet from the west lot line thereof.

543 b. For Undersized Lots, no building or part thereof, including garages, shall
544 be erected nearer than 25 feet from the west lot line thereof.

545 (2) Lots fronting east side of Golden Beach Drive. Lots with frontage on the east
546 side of Golden Beach Drive shall provide rear yard setbacks as follows:

547 a. For Full Size Lots, no building or part thereof, including garages, shall be
548 erected nearer than 35 feet from the east lot line thereof.

549 b. For Undersized Lots, no building or part thereof, including garages, shall
550 be erected nearer than 35 30 feet from the east lot line thereof.

551 (h) Side Yard Setbacks.

552 (1) For lots or any combination of lots with 50 feet or more of frontage, but less
553 than 75 feet of frontage, no portion of any building shall be closer than seven
554 and one-half (7.5) feet from each side lot line.

555 (2) For lots or any combination of lots with 75 feet or more of frontage, but less
556 than 100 feet of frontage, no portion of any building shall be closer than ten
557 (10) feet from each side lot line.

558 ~~(3) For lots or any combination of lots with greater than 100 feet of frontage, no~~
559 ~~portion of any building shall be closer than ten (10%) percent of the lot width of~~
560 ~~the frontage of the lot(s), up to a maximum required setback of 15 feet from~~
561 ~~each side lot line.~~

562
563 (34) All residences designed as two-story structures shall be required to increase side
564 setbacks along two-thirds of the length of the second story by one foot for each one
565 foot of building height above the first 12 18 feet.

566 (i) The site development requirements of this Section are summarized in the table
567 below. If conflicts between the text and table exist, the text prevails.

568

TABLE 2			
Zone 2			
Site Development Requirements			
	<u>Undersized Lot</u>	<u>Full Size Lot</u>	<u>Full Size Lot</u>
<u>Lot Frontage</u>	50' to <75'	75' to <100'	100'+
<u>Minimum Lot Size</u>	7,500 sq.ft.	11,250' sq.ft.	11,250' sq.ft.
<u>Front Setback – Primary residence, garage</u>			
<u>Lots facing on west side of Ocean Blvd</u>	40'	40'	40'
<u>Lots facing on east side of Golden Beach Drive</u>	35'	35'	35'
<u>Rear Setback – Primary residence, garage</u>			
<u>Lots facing on west side of Ocean Blvd</u>	25'	25'	25'
<u>Lots facing on east side of Golden Beach Drive</u>	35' 30'	35'	35'
<u>Side Setback – Primary residence, garage</u>	7.5'	10'	10' 10% of frontage, up to max req'd of 15'
<u>Additional Second Story Setback</u>	None Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 18'	Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12 18'	Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12 18'
<u>Height</u>	27.5' 25'	27.5'	30'
<u>Max Impervious</u>	65% 60%	65%	65%
<u>Min Pervious</u>	35% 40%	35%	35%
<u>Min Living Area</u>	2,500 sq.ft.	3,000 sq.ft.	3,000 sq.ft.)

569

570 **66-69.3 - Zone Three.**

571 **(a) Purpose of district.**

572 Zone Three is intended to encourage a high-quality luxury waterfront living
 573 environment (Canals / Intracoastal Waterway) to be utilized exclusively for
 574 individually owned single-family homes. This Zone encompasses Blocks E, F, G,
 575 H, J, K, L, and M. Although the original platted lots in this land area were 50-foot

576 in width, effective December 21st, 1982, the minimum buildable lot sizes were
577 increased by the Town to 75 feet in width. The Town encourages the aggregation
578 of older narrow lots to create larger estates. These land development regulations
579 are intended to address all of the varying site conditions. The Site Development
580 Criteria are provided in this Section and summarized in Table 3. If conflicts between
581 the text and table exist, the text prevails.

582 (b) Minimum lot frontage and lot area.

583 (1) A Full Size Lot shall have a minimum of 75 feet of lot frontage and 11,250
584 square feet of lot area.

585 (2) All Undersized Lots shall have a minimum of 50 feet of lot frontage and 7,500
586 square feet of lot area.

587 (3) Notwithstanding any other provisions in the Town Code regarding the
588 subdivision of land or the establishment of Buildable, Undersized, or Full Size
589 Lots, if an existing residential structure is built on two or more abutting lots, no
590 owner may subdivide or alter the dimensions or configuration of the land, or
591 redevelop the site which previously contained 1 residence on more than one
592 lot, including existing Full Size Lots or any combination of Undersized Lots,
593 after [Effective Date of This Ordinance] through any legal method of
594 subdivision, including platting or waiver of plat, in any way which results in a lot
595 having less than: (a) 75 feet of Frontage along a Street; and (b) 11,250 square
596 feet of area.

597 (c) Minimum building square footage.

598 (1) Full Size Lots - A residence constructed on any Full Size lot shall have a
599 minimum of 3,000 square feet of Living Area.

600 (2) Undersized Lots – A residence constructed on any Undersized Lot shall have
601 a minimum of 2,500 square feet of Living Area.

602 (d) Building height.

603 ~~(1) Residential structures built on lots with a street frontage of at least 50 feet in~~
604 ~~width but less than 75 feet in width shall not exceed 25 feet in height.~~

605 (12) Residential structures built on lots with a street frontage of at least 50 75 feet in width
606 but less than 100 feet in width shall not exceed 27.5 feet in height.

607 (23) Residential structures built on lots with a street frontage of 100 feet or more shall not
608 exceed 30 feet in height.

609 (34) The height measurement for main residences shall be measured from the lowest
610 habitable finished floor (Base Flood Elevation or BFE), as determined by the latest
611 published FEMA FIRM maps, to the highest ridge of the roof.

612 (45) The maximum height limits of this subsection shall apply to all architectural features,
613 provided that functional chimneys may be permitted to extend no more than five feet
614 above the maximum height limits of this subsection. Additional parapet walls up to
615 one foot in height may be permitted above the maximum height limits for flat roofs
616 where the sole purpose is to accommodate the placement and insulation and
617 membrane material.

618 (e) Minimum pervious area.

619 A minimum of 35 percent of the area of each lot shall be maintained as pervious
620 surface. The use of pervious pavers will be considered in the calculation to the
621 extent the applicant provides credible evidence of the permeability of the surface.
622 Pervious area calculations shall be provided by a State of Florida registered
623 Architect, Engineer, or Landscape Architect. Notwithstanding the above, not more
624 than 50% credit shall be given for pervious pavers.

625 (f) Front Yard Setbacks.

626 No building or part thereof, including garages, shall be erected closer than thirty-five
627 (35) feet to the front lot line.

628 (g) Rear Yard Setbacks.

629 ~~(1) Full Size Lots. No building or part thereof, including garages, on a Full Size~~
630 ~~Lot shall be erected closer than thirty-five (35) feet to the rear lot line~~
631 ~~(Intracoastal Waterway and/or canals).~~

632 ~~(2) Undersized Lots. No building or part thereof, including garages, on an~~
633 ~~Undersized Lot shall be erected closer than thirty (30) feet to the rear lot line~~
634 ~~(Intracoastal Waterway and/or canals).~~

635 (h) Side Yard Setbacks.

636 (1) For lots or any combination of lots with 50 feet or more of frontage, but less
637 than 75 feet of frontage, no portion of any building shall be closer than seven
638 and one-half (7.5) feet from each side lot line.

639 (2) For lots or any combination of lots with 75 feet or more of frontage, but less
640 than 100 feet of frontage, no portion of any building shall be closer than ten
641 (10) feet from each side lot line.
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~~(3) For lots or any combination of lots with greater than 100 feet of frontage, no portion of any building shall be closer than ten (10%) percent of the lot width of the frontage of the lot(s), up to a maximum required setback of 15 feet from each side lot line.~~

(34) All residences designed as two-story structures shall be required to increase side setbacks along two-thirds of the length of the second story by one foot for each one foot of building height above the first ~~12~~ 18 feet.

(i) The site development requirements of this Section are summarized in the table below. If conflicts between the text and table exist, the text prevails.

TABLE 3			
Zone 3			
Site Development Requirements			
	<u>Undersized Lot</u>	<u>Full Size Lot</u>	<u>Full Size Lot</u>
<u>Lot Frontage</u>	<u>50' to <75'</u>	<u>75' to <100'</u>	<u>100'+</u>
<u>Minimum Lot Size</u>	<u>7,500 sq.ft.</u>	<u>11,250' sq.ft.</u>	<u>11,250' sq.ft.</u>
<u>Front Setback – Primary residence, garage</u>	<u>35'</u>	<u>35'</u>	<u>35'</u>
<u>Rear Setback – Primary residence, garage</u>	35' <u>30'</u>	<u>35'</u>	<u>35'</u>
<u>Side Setback – Primary residence, garage</u>	<u>7.5'</u>	<u>10'</u>	10' <u>10% of frontage, up to max req'd of 15'</u>
<u>Additional Second Story Setback</u> 66-69(3)	None exempt by Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 18'	<u>Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12 18'</u>	<u>Increase side setback on 2/3 length of 2nd story by 1' for each 1' of building height above the first 12 18'</u>
<u>Height</u>	27.5' <u>25'</u>	<u>27.5'</u>	<u>30'</u>
<u>Max Impervious</u>	65% <u>60%</u>	<u>65%</u>	<u>65%</u>

<u>Min Pervious</u>	35% 40%	35%	35%
<u>Min Living Area</u>	2,500 sq.ft.	3,000 sq.ft.	3,000 sq.ft.

655

656 Sec. 66-70. - Side Property Line requirement.

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

662 Sec. 66-71. - Vested Rights Reserved. ~~Subdivision of land in Zone One.~~

663 ~~(a) *Minimum requirements.* Notwithstanding any other provisions in the Town Code~~
 664 ~~regarding the subdivision of land or the establishment of Buildable Lots, when any~~
 665 ~~property Owner subdivides or alters the dimensions or configuration of any land in~~
 666 ~~Zone One, including existing Buildable Lots or any combination of Buildable Lots,~~
 667 ~~through any legal method of subdivision, including platting or waiver of plat, no~~
 668 ~~resulting lot, site, tract, parcel or Buildable Lot in Zone One shall have less than: (a)~~
 669 ~~100 feet of Frontage along a Street; (b) 150 feet of depth; and (c) 15,000 square feet~~
 670 ~~of area.~~

671 ~~For purposes of this section, the term "subdivide" or "subdivision" shall be defined to~~
 672 ~~mean (a) the division of land for any use so as to create one or more lots, sites, tracts,~~
 673 ~~parcels or Buildable Lots otherwise designated of any size for the purpose of transfer of~~
 674 ~~ownership, leasing, or building development.~~

675 ~~(b) *Application.* The foregoing section shall apply to all subdivisions created or otherwise~~
 676 ~~established in Zone One after November 21, 2006. A subdivision of land in any Zone~~
 677 ~~other than Zone One must comply with all other applicable provisions of the Code.~~

678 ~~(c) *Determination of vested rights.*~~

679 (1) Nothing in this Ordinance shall be constructed or applied to abrogate the vested
 680 right of a property Owner to develop or build upon any lot, site, tract, parcel or
 681 Buildable Lot in Zone One established after November 21, 2006 and prior to the
 682 effective date of the ordinance from which this section derives, where the property
 683 Owner can demonstrate by substantial competent evidence each of the following:

684 a. The issuance of a valid and enforceable development approval authorizing
 685 the subdivision of the property in Zone One, including but not limited to a plat
 686 or waiver of plat; and

- 687 b. Evidence that the property Owner has detrimentally relied, in good faith, on
688 the approval described in subsection a. above, by making substantial
689 expenditures; and
- 690 c. That it would be highly inequitable to deny the property Owner the right to
691 develop and build upon the property.
- 692 (2) Any property Owner claiming vested rights under this subsection (c) must file an
693 application with the Town (on a form provided by the Town) within 60 days after
694 the effective date of the ordinance from which this section derives. The
695 application shall be accompanied by an application fee of \$500.00 and contain a
696 sworn statement as to the basis upon which the vested rights are asserted,
697 together with all documentation supporting the claim. Upon receipt of a complete
698 application, the Town shall schedule a hearing before the Town Council. The
699 Town Council shall hold a hearing on the application and, based upon the
700 documentation submitted, shall make a determination as to whether the property
701 Owner has established vested rights.

702 * * *

703 DIVISION 3. – Rights-of-way. RESERVED.

704 No right-of-way currently existing within the Town limits shall be vacated or abandoned
705 so as to cause a reduction of its current width. The use of any right-of-way is limited to
706 roadways, sanitary sewer and Potable Water lines, telephone and cable television cables,
707 gas lines, other franchise utilities, sidewalks and bicycle paths as approved by the Town,
708 and landscaping.

709 * * *

710 DIVISION 4. – DESIGN STANDARDS SETBACK AND LOT LINE RESTRICTIONS

711 Sec. 66-136. - Design of Driveways.

712 (a) In addition to the garage requirement of sections 66-201 through 66-207, and design
713 of Driveways as set forth in sections 66-221 through 66-225, each residence shall
714 be required to provide one additional paved parking space on-site. The Driveway
715 leading to the garage may be utilized for this purpose. Each such parking space
716 shall be a minimum of nine feet in width and 20 feet in length.

717 (b) All applications for new or widened Driveways abutting State Road Number A1A
718 shall be required to receive a permit from Florida Department of Transportation
719 District Number 6 offices prior to receiving a permit for same from the Town.

720 Sec. 66-137. - Paint colors/permit.

721 (a) Paint colors. No exterior of any Structure may be painted, stained, or otherwise
722 colorized with a color(s) other than a color(s) that is the same or substantially similar
723 to a color within a paint palate established and approved by the Town Council. All
724 colors, including accent colors, must be complimentary and harmonious with other
725 materials and components, including roof tiles incorporated into the Structure. Any
726 variation from this standard shall be subject to the Town Building Official's prior
727 approval, or the Town's Building Regulation Advisory Board's approval on appeal of
728 the Building Official's decision.

729 (b) Paint permit. A Town paint permit shall be required prior to painting or repainting of
730 the exterior of any Structure.

731 Sec. 66-138. - Mailboxes.

732 (a) Selection and location. Each owner of a residence within Zones Two and Three (as
733 defined in section 66-66 of the Town Code) of the Town shall be required to maintain
734 a mailbox and supporting post that has been selected by the Town Council. The
735 mailbox and supporting post shall be installed near the paved portion of the road
736 surface fronting each residence in a location, height, and manner determined by the
737 Town Manager or his designee.

738 (b) Cost. The Town shall pay for the initial purchase and cost of installing a mailbox and
739 supporting post for residences located within Zones Two and Three. After such initial
740 installation, in the event a new mailbox or supporting post is requested or otherwise
741 required, the real property owner shall be responsible for all costs of such
742 replacement and installation by the Town.

743 (c) Maintenance. Each real property owner (in all zones of the Town) shall maintain his
744 or her mailbox and supporting post, if any, in good working condition, order and
745 appearance. Failure to comply with this section shall subject the owner to penalties
746 set forth in section 2-211 of this Code.

747 ~~Sec. 66-136. - Side line restrictions between adjoining lots.~~

748 ~~(a) For lots or any combination of lots with greater than 50 feet of frontage; no portion of~~
749 ~~any building shall be closer than ten feet from each side property line.~~

750 ~~(b) For lots or any combination of lots with greater than 100 feet of frontage; no portion~~
751 ~~of any building shall be closer than ten percent of the width of the frontage of the~~
752 ~~lot(s), up to a maximum required setback of 15 feet from each side property line of~~
753 ~~the site.~~

754 ~~Sec. 66-137. - Front and rear lot line restrictions - In Zone One.~~

755 ~~(a) No portion of any house shall be placed closer to the east rear lot line than behind a~~
756 ~~line drawn between the corners of the nearest existing adjacent residences parallel~~

757 ~~to the beach. Notwithstanding the foregoing, stairs and/or terraces may be located~~
758 ~~closer to the east rear lot line than behind a line drawn between the corners of the~~
759 ~~nearest existing adjacent residences parallel to the beach, subject to the following~~
760 ~~restrictions:~~

761 ~~(1) Elevation. The stairs and/or terraces area shall not exceed an elevation of 20 feet~~
762 ~~NVGD;~~

763 ~~(2) Width. The width of the stairs and/or terraces area shall not exceed 50 percent~~
764 ~~of the width of the principal building. In addition, the stairs and/or terraces area~~
765 ~~shall be aligned on the principal building's centerline; and~~

766 ~~(3) Depth. The depth of the stairs and/or terraces area shall not exceed 25 percent~~
767 ~~of the width of the principal building.~~

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

770 ~~(c) A garage structure may be built separate from the main house, in which event it shall~~
771 ~~be set back a minimum of 20 feet from the west property line, and at least ten feet~~
772 ~~from any side property line. Such garage may be constructed with a second floor to~~
773 ~~be used as guest or servant's quarters. Where constructed with a second story, the~~
774 ~~front wall shall be set back an additional one foot for each one foot of total building~~
775 ~~height above the first 18 feet. If the main house and the garage are separated, the~~
776 ~~yard space bounded by the front face of the house and the side and front setbacks~~
777 ~~applicable to the garage structure shall provide a minimum 2,200 square feet of~~
778 ~~landscape or hardscape that is otherwise unimproved with any permanent structure,~~
779 ~~except that a covered walkway to connect the structures, with one or both sides~~
780 ~~entirely open, the width of which does not exceed ten feet, may be erected within~~
781 ~~such yard space.~~

782 ~~Sec. 66-138. — Same — In Zone Two.~~

783 ~~(a) For lots facing on the west side of Ocean Boulevard, constituting: Lots 1 to 20~~
784 ~~inclusive in Block 1, Lots 1 to 19 inclusive in Block 2, Lots 1 to 20 inclusive in Block~~
785 ~~3, Lots 1 to 20 inclusive in Block 4, Lots 1 to 21 inclusive in Block 5, and Lots 1 to 20~~
786 ~~inclusive in Block 6, no building or part thereof including garages or carports shall be~~
787 ~~erected nearer than 40 feet from the east lot line thereof or nearer than 25 feet from~~
788 ~~the west lot line thereof.~~

789 ~~(b) For lots facing on east side of Golden Beach Drive, constituting: Lots 20 to 39~~
790 ~~inclusive in Block 1, Lots 20 to 38 inclusive in Block 2, Lots 20 to 40 inclusive in Block~~
791 ~~3, Lots 21 to 40 inclusive in Block 4, Lots 22 to 42 inclusive in Block 5 and Lots 21 to~~
792 ~~40 inclusive in Block 6, no building or part thereof including garages or carports shall~~

793 ~~be erected nearer than 35 feet from the west lot line thereof, and nearer than 35 feet~~
794 ~~from the east lot line thereof.~~

795 ~~Sec. 66-139. Same In Zone Three.~~

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

799 * * *

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

803 **Section 4.** That all ordinances or parts of ordinances in conflict with the
804 provisions of this Ordinance are repealed to such extent of the conflict.

805 **Section 5.** That this Ordinance shall be codified in accordance with the
806 foregoing. It is the intention of the Town Council that the provisions of this Ordinance shall
807 become and be made a part of the Town of Golden Beach Code of Ordinances; and that
808 the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance"
809 may be changed to "section", "article" or such other appropriate word or phrase in order
810 to accomplish such intentions.

811 **Section 6.** That this Ordinance shall take full effect immediately upon its
812 passage and adoption.

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

815	Mayor Glenn Singer	<u>Aye</u>
816	Vice-Mayor Judy Lusskin	<u>Aye</u>
817	Councilmember Kenneth Bernstein	<u>Aye</u>
818	Councilmember Amy Isackson-Rojas	<u>Aye</u>
819	Councilmember Jaime Mendal	<u>Aye</u>

820
821

822 PASSED AND ADOPTED on first reading on this 25th day of April, 2017.

823 The Motion to adopt the foregoing Ordinance was offered by Councilmember
824 Rojas, seconded by Councilmember Bernstein, and on roll call the following vote ensued:

825	Mayor Glenn Singer	<u>Aye</u>
826	Vice-Mayor Judy Luskin	<u>Aye</u>
827	Councilmember Kenneth Bernstein	<u>Aye</u>
828	Councilmember Amy Isackson-Rojas	<u>Aye</u>
829	Councilmember Jaime Mendal	<u>Aye</u>

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831

832 PASSED AND ADOPTED on second reading on this 16th day of May, 2017.

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834 ATTEST:

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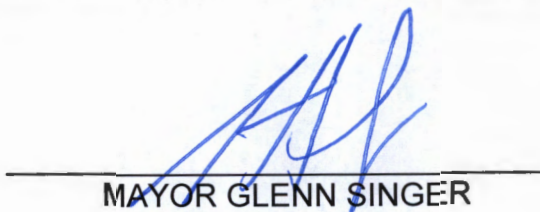
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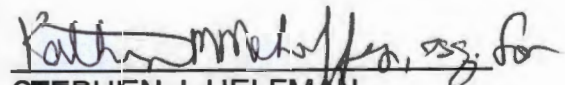


MAYOR GLENN SINGER



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY