

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 584.18

1 **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF**
2 **GOLDEN BEACH, FLORIDA, TO AMEND CHAPTER 66 “ZONING”**
3 **TO REVISE REQUIREMENTS FOR ZONE ONE (OCEANFRONT**
4 **PROPERTIES). (D) BUILDING HEIGHT. (1) MAIN RESIDENCE,**
5 **(d). AMENDING ALLOWABLE USE IN THE AREA BELOW THE**
6 **18.2 FEET NGVD, TO INCLUDE A GYM AND LAUNDRY**
7 **FACILITIES. PROVIDING FOR SEVERABILITY; PROVIDING FOR**
8 **CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND**
9 **PROVIDING FOR AN EFFECTIVE DATE.**

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

14 **WHEREAS**, the Town Council of the Town of Golden Beach (“Town Council”) finds
15 it periodically necessary to amend its Code of Ordinances and Land Development
16 Regulations (“Code”) in order to update regulations and procedures to implement
17 municipal goals and objectives; and

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

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

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

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

28 **WHEREAS**, the Town's Local Planning Agency has reviewed this Ordinance on
29 this 30th day of October, 2018, and has determined that it is consistent with the
30 Town's Comprehensive Plan; and

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

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

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

40 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE**
41 **TOWN OF GOLDEN BEACH, FLORIDA¹:**

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

44 **-Chapter 66 - ZONING**

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

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46 **ARTICLE III. – District Regulations**

47 **66-69.1 Zone One (Oceanfront Properties).**

48

49 (d) Building height.

50 (1) Main Residence.

51 a. Primary residential structures built on lots with a street frontage at least
52 50 feet in width but less than 75 feet in width shall not exceed 25 feet in
53 height.

54 b. Primary residential structures built on lots with a street frontage at least
55 75 feet in width but less than 100 feet in width shall not exceed 27.5 feet
56 in height.

57 c. Primary residential structures built on lots with a street frontage of 100
58 feet or more shall not exceed 30 feet in height.

59 d. The height measurement for main residences shall be measured from
60 the lowest habitable living area which is a maximum of two (2) feet above
61 the FDEP lowest structural member (18.2 feet NGVD). This height
62 measurement shall include all portions of the main residence east of the
63 60-foot front setback line or Coastal Construction Control Line (CCCL),
64 whichever is more westerly. Areas occupied below 18.2 feet NGVD,
65 including only garages, storage areas, a gym, laundry room and one
66 bathroom shall not be considered habitable areas. If any other use
67 occurs in the area below 18.2 feet NGVD it is considered expendable
68 from a flood or wave action damage standpoint, and those areas shall
69 be considered habitable; therefore, the building height shall be
70 measured from the lowest floor level below 18.2 feet NGVD.

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

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

77 **Section 5.** That this Ordinance shall be codified in accordance with the
78 foregoing. It is the intention of the Town Council that the provisions of this Ordinance shall
79 become and be made a part of the Town of Golden Beach Code of Ordinances; and that
80 the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance”
81 may be changed to “section”, “article” or such other appropriate word or phrase in order
82 to accomplish such intentions.

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

85 The Motion to adopt the foregoing Ordinance was offered by Councilmember
86 Luskin, seconded by Councilmember Bernstein, and on roll call the following vote
87 ensued:

88	Mayor Glenn Singer	<u>Aye</u>
89	Vice-Mayor Jaime Mendal	<u>Aye</u>
90	Councilmember Amy Isackson-Rojas	<u>Aye</u>
91	Councilmember Judy Luskin	<u>Aye</u>
92	Councilmember Kenneth Bernstein	<u>Aye</u>

93
94
95 **PASSED AND ADOPTED** on first reading this 27th day of September, 2018.

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

98	Mayor Glenn Singer	<u>Aye</u>
99	Vice-Mayor Jaime Mendal	<u>Aye (via phone)</u>
100	Councilmember Amy Isackson-Rojas	<u>Aye</u>
101	Councilmember Judy Luskin	<u>Absent</u>
102	Councilmember Kenneth Bernstein	<u>Aye</u>

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105 **PASSED AND ADOPTED** on second reading this 30th day of October, 2018.

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108 ATTEST:

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MAYOR GLENN SINGER



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY