



TOWN OF GOLDEN BEACH

**One Golden Beach Drive
Golden Beach, FL 33160**

**Official Agenda for the April 16, 2019
Local Planning Agency Hearing called for 7:00 P.M.**

A. MEETING CALLED TO ORDER

B. ROLL CALL

C. ADOPTION OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS

- 1. An Ordinance of the Town Council Amending Chapter 66 of the Town's Code Related to Building Height Measurement, and House and Garage Floor Elevations and Swale Grade Elevations.**

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO DISTRICT REGULATIONS; AMENDING CHAPTER 66 ENTITLED ZONING; AMENDING SECTIONS 66-69.2 AND 66-69.3 RELATED TO BUILDING HEIGHT MEASUREMENT; AMENDING SECTION 66-101 RELATING TO HOUSE AND GARAGE FLOOR ELEVATIONS AND SECTION 102 – MINIMUM LOT AND SWALE GRADE ELEVATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report No. 1
Ordinance No. 587.19

Sponsor: Town Administration

Recommendation: Motion to Approve Ordinance No. 587.19

D. ADJOURNMENT:

DECORUM:

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COUNCIL SHALL BE BARRED FROM THE COUNCIL CHAMBERS BY THE PRESIDING OFFICER. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACE CARDS SHALL BE ALLOWED IN THE COUNCIL CHAMBERS. PERSONS EXITING THE COUNCIL CHAMBERS SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COUNCIL CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS.

PURSUANT TO FLORIDA STATUTE 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT: IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR THAT PURPOSE, AFFECTED PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHER INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IF YOU NEED ASSISTANCE TO ATTEND THIS MEETING AND PARTICIPATE, PLEASE CALL THE TOWN MANAGER AT 305-932-0744 EXT 224 AT LEAST 24 HOURS PRIOR TO THE MEETING. RESIDENTS AND MEMBERS OF THE PUBLIC ARE WELCOMED AND INVITED TO ATTEND.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: April 16, 2019

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

Item Number:

1

Subject: Ordinance No. 587.19 – Amending Code, Article IV, Section 66, As It Relates to Building Height Measurement and Driveway Drainage

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 587.19 as presented.

Background:

This Ordinance incorporates the changes in the Florida Building Code as it relates to flood control construction. It sets the minimum first floor elevations for habitable first floor finished elevations.

It also creates a new requirement for drainage on all driveways. Through the years we have seen more water discharge from properties sheeting off driveways into the Towns right-a-way and roads. This new drainage requirement will capture the storm water run-off and is part of our on-going efforts to minimize flooding. This will be required of all driveways at renovation, replacement or installation.

Fiscal Impact:

None.

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 587.19

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES RELATED TO DISTRICT REGULATIONS; AMENDING CHAPTER 66 ENTITLED ZONING; AMENDING SECTIONS 66-69.2 AND 66-69.3 RELATED TO BUILDING HEIGHT MEASUREMENT; AMENDING SECTION 66-101 RELATING TO HOUSE AND GARAGE FLOOR ELEVATIONS AND SECTION 102 – MINIMUM LOT AND SWALE GRADE ELEVATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council periodically studies land development trends and issues and amends the Town's Land Development Regulations accordingly; and

WHEREAS, the Town Council has studied the current Code provisions of the Town and find that certain modifications are necessary and desirable to further regulate how building height is measured, due to changes in the Florida Building Code; and

WHEREAS, a public meeting was held before the Local Planning Agency (LPA) of the Town to review the proposed modifications to the Town's Land Development Regulations; and

WHEREAS, the Town Council held duly advertised public meetings to consider the proposed modifications to the Town's Land Development Regulations.

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

Section 1. Recitals. That the recitals set forth above are hereby adopted and confirmed.

Section 2. Amending Code. That the Town of Golden Beach Zoning Code is hereby amended to modify Sections 66-69.2 and 66-69.3 to address how building height is measured in Zone Two (2) and Zone Three (3) of the Town. That the Town of Golden Beach Zoning Code is hereby amended to modify Section 66-101 to add provisions for determining the minimum elevation of the first floor level of houses and garages to include requirements of the Florida Building Code in addition to other regulatory agencies, and that Section 102 Minimum Lot and Swale Grade Elevations is amended more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3. Severability. That is any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4. Codification. That it is the intention of the Town Council of Golden Beach, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Golden Beach Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Conflicts. That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

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

Mayor Glenn Singer	_____
Vice-Mayor Jaime Mendal	_____
Councilmember Amy Isackson-Rojas	_____
Councilmember Kenneth Bernstein	_____
Councilmember Judy Luskin	_____

PASSED AND ADOPTED on first reading this 27th day of February, 2019.

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

Mayor Glenn Singer	_____
Vice-Mayor Kenneth Bernstein	_____
Councilmember Jaime Mendal	_____
Councilmember Bernard Einstein	_____
Councilmember Judy Luskin	_____

PASSED AND ADOPTED on second reading this ____ day of _____, 2019.

MAYOR GLENN SINGER

ATTEST:

LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

STEPHEN J. HELFMAN
TOWN ATTORNEY

EXHIBIT “A”

The Town of Golden Beach, Florida Code of Ordinances is hereby amended as follows:

CHAPTER 66 ZONING

ARTICLE III. DISTRICT REGULATIONS

Sec. 66-69.1. - Zone One (Oceanfront properties).

(d) *Building height.*

(1) Main Residence.

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

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

~~b.c.~~ Primary residential structures built on lots with a street Frontage of 100 feet in width or more shall not exceed 30 feet in height.

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

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

Sec. 66-69.2. - Zone Two.

(d) Building height.

- (1) Residential structures built on lots with a street Frontage of at least 50 feet in width but less than 100 feet in width shall not exceed 27.5 feet in height.
- (2) Residential structures built on lots with a street Frontage of 100 feet or more shall not exceed 30 feet in height.
- (3) The height measurement for main residences shall be measured from the lowest habitable finished floor (Base Flood Elevation or BFE), as determined by the latest published FEMA FIRM maps, or the Florida Building Code, whichever has the highest minimum elevation required, to the highest ridge of ~~the~~ a sloped roof, or to the highest point of a flat roof deck.
- (4) The maximum height limits of this subsection shall apply to all architectural features, provided that functional chimneys may be permitted to extend no more than five feet above the maximum height limits of this subsection. Additional parapet walls up to one foot in height may be permitted above the maximum height limits for flat roofs where the sole purpose is to accommodate the placement and insulation and membrane material.

Sec. 66-69.3. - Zone Three.

(d) Building height.

- (1) Residential structures built on lots with a street Frontage of at least 50 feet in width but less than 100 feet in width shall not exceed 27.5 feet in height.
- (2) Residential structures built on lots with a street Frontage of 100 feet or more shall not exceed 30 feet in height.
- (3) The height measurement for main residences shall be measured from the lowest habitable finished floor (Base Flood Elevation or BFE), as determined by the latest published FEMA FIRM maps, or the Florida Building Code, whichever has the highest minimum elevation required, to the highest ridge of ~~the~~ a sloped roof, or to the highest point of a flat roof deck.
- (4) The maximum height limits of this subsection shall apply to all architectural features, provided that functional chimneys may be permitted to extend no more than five feet above the maximum height limits of this subsection. Additional parapet walls up to one foot in height may be permitted above the maximum height limits for flat roofs where the sole purpose is to accommodate the placement and insulation and membrane material.

ARTICLE III. DISTRICT REGULATIONS

DIVISION 2. - ELEVATIONS

Sec. 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 County, the State, and the United States Government including the provisions of the National Flood Insurance Program, the 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:

- (1) First floor of residences to be constructed on lots in Zone One shall be constructed no higher than two feet above the minimum permitted elevation, as established by the Federal Emergency Management Agency (FEMA), or successor agency, or as required by the Florida Building Code, or at the elevation as required by the State Department of Environmental Protection, Bureau of Beaches and Coastal Systems, or Ssuccessor Agency, if this elevation is higher than the minimum elevation plus two feet.
- (2) The maximum elevation of the first floor of residences to be constructed on lots in Zone Two adjacent to Ocean Boulevard (SR A-1-A) shall be no higher than the minimum permitted elevation as established by the Federal Emergency Management Agency (FEMA), or as required by the Florida Building Code, plus two feet, or two feet above the maximum elevation of the crown of the road adjacent to the lot, whichever of the two is higher.
- (3) First floor of residences to be constructed on all lots in Zone Two which are not adjacent to Ocean Boulevard (SR A-1-A), and lots in Zone Three shall be constructed no higher than two feet above the minimum permitted elevation, as established by the Federal Emergency Management Agency (FEMA), or as required by the Florida Building Code.
- (4) A survey sealed by a registered surveyor shall be submitted to the Building Official showing the finished floor elevation and the location of structures on the property. This survey shall be presented prior to tie beam inspection of the first inspection for roof structure in one story structures or first inspection for second floor framing in two or more story structures.

(b) Garage floor levels shall be at a minimum of 12 inches above the maximum elevation of the crown of the street fronting the property or at least at elevation 6 the National Geodetic Vertical Datum (N.G.V.D.), whichever is the higher, except Zone 1 which shall meet the requirements of the Florida State Bureau of Beach and Coastal Systems of the Department of Environmental Protection or Federal Emergency Management Agency (FEMA), or as required by the Florida Building Code, whichever is the higher.

(c) A garage shall not be converted to a living space of the structure, unless the elevation of the garage floor complies or is made to comply with or conform to flood plan criteria and regulatory codes as set forth by Miami-Dade County, the State of Florida, and the Program, the Florida Building Code, this chapter, the Coastal Construction Code, and all other applicable provisions of this Code of Ordinances.

Sec. 66-102. - Minimum lot and swale elevations; grade.

(a) The finished grade of any lot shall not exceed an elevation of 24 inches above the crown of the road adjacent to the lot and in no event shall exceed an elevation of six feet N.G.V.D. except for lots abutting Ocean Boulevard where the minimum elevation shall be 12 inches above the crown of the road, and the maximum elevation shall not exceed an elevation of 11 feet N.G.V.D. Exterior slabs and walkways shall not exceed an elevation of 36 inches above the crown of the road adjacent to the lot.

(b) All property Owners are required to maintain an elevation of the Swale Area adjoining their property at a minimum elevation of one foot below the elevation of the edge of the Street pavement fronting the property.

(c) Driveways shall be maintained at an elevation necessary to eliminate any standing water and graded to promote drainage by sloping them toward the pervious area or to any drainage structure built within the property. Effective with this Ordinance; all new construction and existing driveways within Town that are to be replaced will be required to install an adequate drainage system, acceptable to the Town, that will accommodate and capture storm water generated from the property, both on site and to the adjoining roadway swale area. The system shall collect, treat and discharge storm water from the property.

(d) Any lot Owner cited by the Code Enforcement Officer for violation of this chapter shall correct the violation within 30 days and provide the ~~Code Enforcement Board~~ Building and Zoning Department a surveyor's certificate, certifying that his property is in compliance with this chapter.

**TOWN OF GOLDEN BEACH
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Alex Diaz – Town Manager
Linda Epperson – Bldg. and Zoning Department Director
Town of Golden Beach

From: Michael J. Miller, AICP *MTM*
Consultant Town Planner

Date: February 6th, 2019

Subject: Town of Golden Beach
Proposed Land Development Code Amendment
Flood Protection / Zoning Code
Building Height Measurement
MMPA Acct. No. 04-0101-0003

ISSUE / BACKGROUND

Over the last few years the Town has studied and updated many of its Land Development Regulations (LDRs) to modernize the Code, clarify vague provisions, and to comply with other governmental agency requirements. In 2009 the Town adopted a new Flood Code (Chapter 62) as mandated by the federal government and State of Florida (Dept. of Emergency Mgt. (DEM)) as part of the National Flood Insurance Program (NFIP). To participate in the flood insurance program the Town's Flood Code is modeled after the required format / contents mandated by DEM. Currently DEM is working with local governments in South Florida on required updated to all Flood Codes, so they are uniform from jurisdiction to jurisdiction. The Flood Code includes minimum floor elevations, building design criteria and restricts land uses. In 2011 the Town updated portions of its LDRs related to minimum elevations of houses and garages (Sec. 66-101). On May 16, 2017 a major revision to the Town Zoning Code was adopted clarifying / refining the development standards within the three (3) Zoning Districts (Ord. No. 573.17). However, due to a recent change in the Florida Building Code for Flood Resistant Construction, 6th Edition 2017 (became effective 1/01/18), a "conflict" has arisen that needs to be addressed. The Florida Building Code, in Section R322.2.1 entitled Elevation Requirements, requires that buildings and structures in flood hazard areas be constructed at Base Flood Elevation (BFE) plus one (1) foot, or the design elevation, whichever is higher. The Town's Zoning Code requires that the height measurement be taken from the lowest habitable finished floor (Based Flood Elevation), as determined by the latest published FEMA FIRM maps, to the highest ridge of the roof. However, due to the above Florida Building Code change, the theoretical maximum building height is 1-foot less than was formerly allowed. Many cities recognize the impact of this change and are modifying their Codes so as to not penalize developers.

ANALYSIS

The result of the Florida Building Code change is that while developers are complying with the Town Code, there is the loss of one (1) foot of buildable height inside a home. One (1) foot may not seem like much, but it can have a significant impact on interior ceiling heights, and for very quality high-end homes, higher ceiling heights are desired and expected. MMPA / Town staff are obligated to enforce the Town's adopted LDRs, and as currently written, the recent Florida Building Code lowest habitable floor elevation increase is causing a problem, as many architects / contractor want to design to the maximum extent possible.

This change is causing some difficulty with the design of homes, and in all fairness, the maximum height of homes is not changing - it is where the height is measured from is the issue.

SUMMARY / RECOMMENDATION

In summary, a Florida Building Code change that became effective in January 2018 mandates that the lowest habitable floor elevation be increased to BFE + 1-foot. The existing Town Code provisions were created / adopted based on the applicable laws prior to that date (BFE or alternative Code provisions). The Town is prohibited from altering the Flood Code text without the consent of DEM / FEMA.

Based on the above analysis, MMPA recommends the Town consider modifying its Zoning Code (Sec. 66-69.2 and Sec. 66-69.3) so that in Zones Two (2) and Three (3) maximum building height is measured from the lowest habitable finished floor (Based Flood Elevation), as determined by the latest published FEMA FIRM maps, or the Florida Building Code, whichever has the highest minimum elevation required, to the highest ridge of the roof, or to the highest point of the deck of a flat roof. In addition, similar Zoning Code text revisions are recommended to Sec. 66-101, which addresses minimum floor elevations for houses and garages. Finally, although not directly related to the FBC building height issue, Town staff requested that new provisions be added to Town Code Sec. 66-102(c) which address lot grades to specify that physical drainage improvements may be necessary and required to address flooding for driveways (both on the private site / in the public right-of-way).

Attached please find a draft Ordinance for consideration.