

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
Councilmember Bernstein, seconded by Councilmember Lusskin, and on roll call
the following vote ensued:

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

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

The Motion to adopt the foregoing Ordinance was offered by Vice Mayor
Bernstein, seconded by Councilmember Mendal, and on roll call the following vote
ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Kenneth Bernstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>

PASSED AND ADOPTED on second reading this 16th day of April, 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.e. 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.