

**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

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

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

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

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

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

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

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA<sup>1</sup>:**

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

**-Chapter 66 - ZONING**

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<sup>1</sup> 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.

45  
46 **ARTICLE III. – District Regulations**

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

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

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

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Councilmember Bernstein, 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 Judy Lusskin	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

**PASSED AND ADOPTED** on first reading this 27<sup>th</sup> day of September, 2018.

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

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

**PASSED AND ADOPTED** on second reading this 30<sup>th</sup> day of October, 2018.

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108 ATTEST:

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118 APPROVED AS TO FORM  
119 AND LEGAL SUFFICIENCY:

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MAYOR GLENN SINGER

LISSETTE PEREZ  
TOWN CLERK

STEPHEN J. HELFMAN  
TOWN ATTORNEY