



# TOWN OF GOLDEN BEACH

One Golden Beach Drive  
Golden Beach, FL 33160

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## MEMORANDUM

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**Date:** August 30, 2022

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz,  
Town Manger

Item Numbers:

1 & 2

**Subject:** Ordinance No. 601.22 & 602.22 – Amending Code, Sections 66.69.1-3, and 66-101 Concerning the First Floor Finished Elevations and Maximum Building Heights

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### Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 601.22 and 602.22 as presented.

### Background:

The Town is now establishing new First Floor Finished Elevations (FFE) throughout the Town that are appropriate, future focused and will ensure that the Town has addressed the concerns of sea level rise, storm water and ground water inundation.

In Zone One, the properties have a minimum of + two above the Florida Building Code and may choose to go as high as 3.4' or 4.4' over the minimum as needed/desired by site. If seeking a higher first floor, the building height would be reduced proportionately. In Zones Two and Three we are now setting the First Floor Finished Elevations at 9' NAVD (North American Vertical Datum of 1988); all homes will now have to start at the 9' NAVD.

We are taking this action as part of our efforts to become a more resilient community. In seeing a re-birth of our Town, this action will ensure that our new homes are built to withstand the challenges that we are facing with water inundation.

In June of 2021, the Town held its first Sea Level Rise Strategy Workshop with our partners to prepare the Town for the unique challenges that we will face in the years to come. What we learned is that as the Town focuses on the challenges that lie ahead with sea level rise, our focus needs to be on responsible solutions that are resilient and sustainable.

Over time, the Town will become more vulnerable to flooding and damage, given its low elevations and ongoing sea level rise. An understanding of the existing and future vulnerability of the Town's public and private properties, to facilitate strategic planning and future investments into climate change adaption is an objective of our managed response.

As such, the Administration will be recommending a series of zoning code changes that will ensure that we are prepared for the challenges that lie ahead.

**Fiscal Impact:**

None.

1 TOWN OF GOLDEN BEACH, FLORIDA

2  
3 ORDINANCE NO. 601.22

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5 AN ORDINANCE OF THE TOWN OF GOLDEN BEACH,  
6 FLORIDA, AMENDING THE TOWN'S CODE OF  
7 ORDINANCES, CHAPTER 66, ARTICLE III, DISTRICT  
8 REGULATIONS, SECTIONS 66-69.1, 66-69.2 AND 66-69.3;  
9 PROVIDING FOR MAXIMUM BUILDING HEIGHTS;  
10 PROVIDING FOR CODIFICATION; PROVIDING FOR  
11 CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.  
12

13 WHEREAS, the Town of Golden Beach, Florida (the "Town") is a unique single family  
14 residential community located on a barrier island community located between the intracostal  
15 waterway and the Atlantic Ocean; and

16 WHEREAS, the Town is experiencing a significant amount of redevelopment which  
17 has direct impact upon the quality of life; and

18 WHEREAS, from time-to-time the Town finds it necessary to make amendments to  
19 its Land Development Regulations to adjust for the new impacts of development activity;  
20 and

21 WHEREAS, the Town has completed an extensive study into the most equitable and  
22 proportionate manner of responding to the redevelopment, in particular the height of new  
23 homes; and

24 WHEREAS, the Town Council has determined that a minor adjustment to the  
25 maximum height of residential structures is needed to harmonize the new development with  
26 the existing developments; and

27 WHEREAS, the Town Council wishes to establish new building height regulations to  
28 accomplish its goals.



58 ~~NGVD, including only garages, storage areas, a gym, laundry room and one~~  
59 ~~bathroom shall not be considered habitable areas. If any other use occurs~~  
60 ~~in the area below 18.2 feet NGVD it is considered expendable from a flood~~  
61 ~~or wave action damage standpoint, and those areas shall be considered~~  
62 ~~habitable; therefore, the building height shall be measured from the lowest~~  
63 ~~floor level below 18.2 feet NGVD.~~

- 64 d. Staircases may be constructed from the lowest habitable floor to the  
65 driveway grades. Due to the main residence lowest habitable floor elevation  
66 requirement as compared to the front yard lot grades near Ocean Boulevard  
67 (above 18.2 feet NGVD vs. ten feet—12 feet NGVD) due to the FDEP  
68 Coastal Construction Control Line (CCCL) criteria, in Zone One, this  
69 subsection for staircases shall take precedence over the Town's accessory  
70 structure subsection for maximum stair heights in Zone One.
- 71 e. The maximum height limits of this subsection shall apply to all architectural  
72 features, provided that functional chimneys may be permitted to extend no  
73 more than five feet above the maximum height limits of this subsection.  
74 Additional parapet walls up to one foot in height may be permitted above  
75 the maximum height limits for flat roofs where the sole purpose is to  
76 accommodate the placement and insulation and membrane material.

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79 **Sec. 66-69.2. Zone Two.**

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81 (d) *Building height.*

- 82 (1) Residential structures built on lots with a street Frontage of at least 50 feet in  
83 width but less than 100 feet in width shall not exceed 27.5 feet in height.
- 84 (2) Residential structures built on lots with a street Frontage of 100 feet or more  
85 shall not exceed 30 feet in height.
- 86 (3) The height measurement for main residences shall be measured from the First  
87 Finished Floor as defined in Section 66-1 ~~lowest habitable finished floor (Base~~  
88 ~~Flood Elevation or BFE), as determined by the latest published FEMA FIRM~~  
89 ~~maps, or the Florida Building Code, whichever has the highest minimum~~  
90 ~~elevation required, to the highest ridge of a sloped roof, or to the highest point~~  
91 ~~of a flat roof deck.~~
- 92 (4) The maximum height limits of this subsection shall apply to all architectural  
93 features, provided that functional chimneys may be permitted to extend no more  
94 than five feet above the maximum height limits of this subsection. Additional  
95 parapet walls up to one foot in height may be permitted above the maximum  
96 height limits for flat roofs where the sole purpose is to accommodate the  
97 placement and insulation and membrane material.

98 (e) *Minimum pervious area.* A minimum of 35 percent of the area of each lot shall be  
99 maintained as pervious surface. The use of pervious pavers will be considered in the  
100 calculation to the extent the applicant provides credible evidence of the permeability  
101 of the surface. Pervious area calculations shall be provided by a State of Florida  
102 registered Architect, Engineer, or Landscape Architect. Notwithstanding the above,  
103 not more than 50 percent credit shall be given for pervious pavers.

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105 **Sec. 66-69.3. Zone Three.**

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107 (d) *Building height.*

108 (1) Residential structures built on lots with a street Frontage of at least 50 feet in  
109 width but less than 100 feet in width shall not exceed 27.5 feet in height.

110 (2) Residential structures built on lots with a street Frontage of 100 feet or more  
111 shall not exceed 30 feet in height.

112 (3) The height measurement for main residences shall be measured from the First  
113 Finished Floor as defined in Section 66-1 ~~lowest habitable finished floor (Base~~  
114 ~~Flood Elevation or BFE), as determined by the latest published FEMA FIRM~~  
115 ~~maps, or the Florida Building Code, whichever has the highest minimum~~  
116 ~~elevation required,~~ to the highest ridge of a sloped roof, or to the highest point  
117 of a flat roof deck.

118 (4) The maximum height limits of this subsection shall apply to all architectural  
119 features, provided that functional chimneys may be permitted to extend no more  
120 than five feet above the maximum height limits of this subsection. Additional  
121 parapet walls up to one foot in height may be permitted above the maximum  
122 height limits for flat roofs where the sole purpose is to accommodate the  
123 placement and insulation and membrane material.

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127 **Section 3. Severability.** That the provisions of this Ordinance are declared to  
128 be severable and if any section, sentence, clause or phrase of this Ordinance shall for  
129 any reason be held to be invalid or unconstitutional, such decision shall not affect the  
130 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but  
131 they shall remain in effect, it being the legislative intent that this Ordinance shall stand  
132 notwithstanding the invalidity of any part.

133           **Section 4. Codification.** That it is the intent of the Town Council that the  
134 provisions of this ordinance shall become and be made a part of the Town's Code of  
135 Ordinances, and that the sections of this Ordinance may be renumbered or relettered,  
136 and the word "ordinance" may be changed to "section," "article," "regulation," or such  
137 other appropriate word or phrase in order to accomplish such intentions.

138           **Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or  
139 parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

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

145	Mayor Glenn Singer	<u>Aye</u>
146	Vice Mayor Jaime Mendal	<u>Aye</u>
147	Councilmember Bernard Einstein	<u>Aye</u>
148	Councilmember Judy Luskin	<u>Aye</u>
149	Councilmember Kenneth Bernstein	<u>Aye</u>

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151 **PASSED AND ADOPTED** on first reading this 14<sup>th</sup> day of June 2022.

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

154	Mayor Glenn Singer	<u>Aye</u>
155	Vice Mayor Jaime Mendal	<u>Aye</u>
156	Councilmember Bernard Einstein	<u>Aye</u>
157	Councilmember Judy Luskin	<u>Aye</u>
158	Councilmember Kenneth Bernstein	<u>Absent</u>


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160 **PASSED AND ADOPTED** on second reading this 30<sup>th</sup> day of August 2022.

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MAYOR GLENN SINGER

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ATTEST:

  
LISSETTE PEREZ  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
STEPHEN J. HELFMAN  
TOWN ATTORNEY