ORDINANCE NO. 2016- 1642

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING CHAPTER 90 ZONING TO IMPLEMENT THE CORRIDOR ANALYSIS PROPOSALS FOR THE AREA BETWEEN COLLINS AND HARDING AVENUES FROM 94TH STREET TO 88TH STREET; AMENDING SECTION 90-2 "DEFINITIONS"; AMENDING SECTION 90-44 "MODIFICATIONS OF HEIGHT REGULATIONS"; AMENDING SECTION 90-45 "SETBACKS"; AMENDING SECTION 90-50 "ARCHITECTURE AND ROOF DECKS"; AMENDING SECTION 90-50.1 "ARCHITECTURE"; AMENDING SECTION 90-51 "MAXIMUM FRONTAGE OF BUILDINGS"; AMENDING SECTION 90-61 "PAVING IN FRONT AND REAR YARDS IN H31 AND H40 DISTRICTS"; AMENDING SECTION 90-61.2 "CURB CUTS FOR PROPERTIES FRONTING ON COLLINS AVENUE HARDING AVENUE AND EVERY EAST-WEST STREET IN BETWEEN COLLINS AVENUE AND HARDING AVENUE, EXCLUDING H30B DISTRICT PROPERTIES"; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at the September 30, 2013 Joint Planning and Zoning and Town Commission meeting, there was a discussion about the need for further regulation of building lengths and building articulation along the corridor described as the area being between Collins and Harding Avenues from 94th Street to 88th Street; and

WHEREAS, based on the high interest in redevelopment of this corridor, and in an effort to stay ahead of the new construction anticipated in the corridor, there was interest from both the Town Commission and the Planning and Zoning Board to develop criteria to help guide future development into the desired development pattern, hereinafter the "Corridor Analysis"; and

WHEREAS, Town staff, in conjunction with the Planning and Zoning Board and public input have provided proposed limitations on building lengths and requirements for additional articulation for buildings; and

WHEREAS, the Town Commission has adopted regulations to address the specific needs of this unique community and continues to amend these regulations as they may best suit the needs of the community; and

WHEREAS, the Town Commission held its first duly noticed public hearing on the proposed corridor regulations on July 14, 2015 and recommended approval of the proposed amendments to the Code of Ordinances, having complied with the notice requirements of the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the revisions to the code for consistency with the Town's Comprehensive Plan at a duly noticed public hearing on December 17, 2015 and recommended approval; and

WHEREAS, the Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on January 12, 2016 and further finds the proposed amendment to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2. Code Amendment. Chapter 90 of the code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-2. Definitions.

Forecourt: A space defined by building facades which shall provide all of the following: (a) minimum 30% landscaping with vegetation that can survive in shaded environments, (b) security lighting, (c) a liner of accessible habitable spaces accessible from the forecourt by a minimum of one entrance and (d) facades facing any forecourt space shall provide a minimum 30% transparency in the form of openings. When forecourts are used to meet building facade articulation requirements all of the following additional criteria shall be met: (a) one side of the forecourt space shall abut the building's frontage, (b) it shall not be used for outdoor storage, and (c) mechanical equipment shall not be located within or visible from the forecourt (d) encroachments into a forecourt above the first floor are allowed up to a maximum of 15 percent of the area of the forecourt and any one encroachment shall not encroach more than eight-feet into the forecourt. When abutting a building's frontage, forecourts may be separated from the public Right of Way by a fence or decorative wall, provided the fence or wall has a gated entrance accessible from the Right of Way and the fence or wall is encouraged to have design articulation to not contradict the intent of the overall building articulation when experienced from the street.

90-44.2 Mechanical equipment rooms, including elevator shafts, and stair access ways may be allowed to exceed the maximum height limitations, not to exceed the limitations listed above, provided they shall be of a high architectural quality integral to the design of the building. In the H30C and H40 Districts, any element over 4 feet in height where a minimum 4-foot parapet is provided shall be set back 13 feet from the facade wall plane; otherwise they shall be set back a minimum of 22 feet from the facade wall plane.

Sec. 90-45. Setbacks.

(b) Setbacks.

(1) Required Setbacks—Tables: The following tables shall be utilized for structures in the H30C, H40, H120, and SD-B40 zoning districts.

H30C	**Minimum Setback (Feet)**
~~Primary frontage~~ Harding Avenue frontage	20 FT
Interior side	~~5 FT~~ 6 FT Minimum or 10% of the total interior frontage up to 15 FT, whichever is greater
Rear	10 FT
Secondary frontage (Corner only)	10 FT
Interior side setbacks for lots over 50 feet in width	~~10% of the frontage~~ 6 FT Minimum or 10% of the total interior frontage up to 15 FT, whichever is greater

H40 - Less than or equal to 50 ft in width	**Minimum Setback (Feet)**
~~Primary frontage~~ Collins Avenue and Harding Avenue frontage	20 FT; 25 FT setback for any portions above 30 FT, except on structures designated as historic
Interior side	~~5 FT~~ 6 FT Minimum or 10% of the total interior frontage up to 15 FT, whichever is greater
Rear	10 FT
Secondary frontage (Corner only)	10 FT

H40 - Wider than 50 ft	**Minimum Setback (Feet)**

~~Primary frontage~~ Collins Avenue and Harding Avenue frontage	20 FT; 25 FT setback for any portions above 30 FT, except on structures designated as historic
Interior side	7 FT Minimum or 10% of the total interior frontage up to 15 FT, whichever is greater
Rear	10 FT
Secondary frontage (Corner only)	10 FT

H120	**Minimum Setback (Feet)**
Primary frontage	40 FT
Side	10% of the lot frontage, no less than 10 feet
Rear	30 FT
Secondary frontage (Corner only)	10% of the lot frontage, no less than 20 feet

SD-B40	**Maximum Setback (Feet)**
Primary frontage	0 FT
Interior side	0 FT
Rear	0 FT
Secondary frontage (Corner only)	0 FT

CF	**Maximum Setback (Feet)**

Primary frontage	20 FT
Interior side	10 FT
Rear	20 FT
Secondary frontage (Corner only)	15 FT

90-50.1 Architecture.

(1) Elevation and Facade Articulation Variations

a. The architectural design of proposed main buildings shall create a unique elevation compared to the main buildings of the adjacent two ~~homes~~ buildings on each side of the subject property on the same side of street. If the adjacent lot is vacant then the next adjacent lot shall be utilized. A unique elevation shall be created through the modulation of at least three of the following architectural features:

~~a.~~1. Length, width and massing of the structure;
~~b.~~2. Number of stories;
~~c.~~3. Facade materials;
~~d.~~4. Porches and other similar articulation of the front facade;
~~e.~~5. Number and location of doors and windows; and
~~f.~~6. Roof style and pitch.

(2) In the H30C, H40 and H120 Districts: when more than one (1) building is provided, buildings shall be designed in such a way that they are not monotonous.

~~(2)~~(3) All elevations for new structures and multi-story additions (additions greater than 15 feet in height) shall provide for a minimum of ten-percent wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades per story.

~~(3)~~(4) All elevations for single story additions to existing structures shall result in a zero percent net loss of wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.

~~(4)~~(5) Roof materials are limited as follows:

a. Clay tile; or

b. White concrete tile; or

c. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the design review board;

d. Architecturally embellished metal; or

e. Other Florida Building Code approved roof material(s) if granted approval by the design review board.

~~(5)~~(6) Garage facades. Attached garages located at the front of a single family home shall not exceed 50 percent of the overall length of the facade.

~~(6)~~(7) Converting single-family attached garages. When an attached garage is converted for any other use, the garage door or doors may be replaced by a solid exterior wall and access to the former garage area must be provided from the main premises, in addition to any other permitted access. At least one (1) window shall be provided. If the garage entrance is located at the front or primary corner of the property, landscaping shall be provided along the base of the new exterior wall. When the installation of landscaping results in insufficient off-street parking, a landscaped planter shall be permitted in lieu of the required landscaping. It is intended hereby to prohibit and prevent any violation of the single-family classification and to minimize the burden upon the administrative forces of the town in policing and enforcing the provisions hereof. Changes to the appearance of the residence shall not constitute a change prohibited by the "Home Office" provision of this Code. If the exterior door of the garage conversion is no longer level with grade, stairs may be installed and the exterior door must be accordingly corrected to comply with the Florida Building Code. The stairs shall be permitted to encroach no more than 24 inches into the side or rear setbacks.

~~(7)~~(8)Notwithstanding the foregoing, some of the architecture provisions in this section, while specific to zoning districts H30A and H30B, may also be applicable to single family homes in other zoning districts.

Sec. 90-51. Maximum frontage of buildings and facade articulations.

90-51.1 ~~Continuous wall frontages shall not exceed 270 feet and~~ Walls shall be articulated as follows:

~~(1) H30C For every 50 feet, a minimum three foot change in wall plane.~~

(1) Forecourt spacing and minimum dimensions:

a. When utilized to meet building articulation requirements, forecourts shall be spaced no more than 150 feet apart from each other.

b. When lot frontages measure less than 100 linear feet, then the minimum dimensions of the forecourt shall be 20 feet wide and 15 feet deep.

c. When lot frontages measure greater than 100 linear feet and less than 200 linear feet, then the minimum dimensions of the forecourt shall be 20 feet wide and 20 feet deep.

d. When lot frontages measure greater than 200 linear feet, then the minimum dimensions of the forecourt shall be 30 feet wide and 20 feet deep.

e. In lieu of providing a forecourt of the specified size and space apart from each other as outlined in subsections a – d above, a building can provide "forecourt equivalency areas" that are spaced throughout the front facade of the building. The total sum area of the forecourt equivalency areas shall not be less than the forecourt area that would

be required if a regular sized forecourt were provided. Forecourt equivalency areas shall not be spaced further than 100 feet apart. Forecourt equivalency areas cannot be used uniformly across the front of a building in order to provide a uniform, larger setback.

~~(2)H40: For every seventy-five (75) feet, a minimum six-foot change in wall plane.~~

~~(3)~~(2) *H120:* For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal. The maximum 270 foot continuous wall frontage is limited to a building platform no greater than 30 feet in height. This platform may contain habitable and non-habitable spaces. Buildings are permitted above the 30 foot high platform subject to the following:

a. A tower above the platform shall provide a continuous wall plane no greater than 150 feet in length with a minimum six-foot vertical or horizontal change in wall plane.

b. The distance between more than one tower located on a platform shall be a minimum of 40 feet.

c. If a platform is provided, the side setbacks of any tower shall be a minimum of 20 feet from the setback of the platform.

~~(4)~~(3) Structured parking garages: see section 90-49.4.

~~(5)~~(4) Buildings within a district designated as a historic district per Miami-Dade County shall be excluded from these requirements.

90-51.2 Building facades facing any public Right of Way.

(1) Building facades facing any public Right of Way shall be designed in such a way as to minimize the continuity of the wall plane to add visual interest and maximize articulation; however buildings within a district designated as a historic district per Miami-Dade County and only those facades facing a forecourt or forecourt equivalency area shall be exempted from the following requirements.

a. For H30C and H40 Districts, facades shall provide all of the following:

1. For every 50 feet, a minimum of two-foot change in plane offset shall be provided.

2. Facades shall have a 5-foot minimum offset change in wall plane for no less than 30% of the cumulative facade's area. These offsets shall be evenly distributed throughout the facade, provided each recessed area does not exceed 500 square feet of wall plane area.

3. Facades shall be permitted to have a maximum of 15 foot continuous uninterrupted roof or parapet lines. Roof or parapet lines shall vary by providing a minimum of two foot vertical changes.

90-61.2 Curb cuts for properties fronting on Collins Avenue, Harding Avenue and every east-west street in between Collins Avenue and Harding Avenue, excluding H30B district properties.

(a) No curb cut shall be located within five feet of a side or rear lot line. For corner lots, no curb cut shall be located within 25 feet of the intersection of the front and secondary frontage lot lines.

(b) One-way driveway connections (curb cuts) shall not exceed 12 feet in width. Two-way driveway connections (curb cuts) shall not exceed 24 feet in width.
(c) Except where expressly provided otherwise, driveway connections (curb cuts) on east-west streets shall be as far away from intersections as practicable.
(d) If a property fronts on Collins Avenue, Harding Avenue and two east-west streets, for purposes of the foregoing table, it shall be deemed to front on Collins Avenue. Harding Avenue and one east-west street.
(e) The maximum number and location of curb cuts that may be provided for a property shall be determined in accordance with the following table, provided that there shall be no more than one vehicular curb cut or vehicular access per building provided on any lot wider than 90 feet or with an aggregated frontage exceeding 90 feet. All curb cuts on Harding Avenue and Collins Avenue are subject to review and approval by the Florida Department of Transportation.

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Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED and **ADOPTED** on first reading this 14th day of July, 2015.

PASSED and **ADOPTED** on second reading this 12th day of Jan, 2016.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk, MMC

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:

Linda Miller, Town Attorney

On Final Reading Moved by: Commissioner Karukin

On Final Reading Seconded by: Commissioner Olchyk

VOTE ON ADOPTION:

Commissioner Barry Cohen	yes ✓	no
Commissioner Michael Karukin	yes ✓	no
Commissioner Marta Olchyk	yes ✓	no
Vice Mayor Eli Tourgeman	yes Absent	no
Mayor Daniel Dietch	yes ✓	no