



**TOWN OF SURFSIDE  
PLANNING AND ZONING BOARD  
AND  
DESIGN REVIEW BOARD  
AGENDA  
MAY 29, 2014  
7:00 PM**

Town Hall Commission Chambers – 9293 Harding Ave., 2<sup>nd</sup> Floor  
Surfside, Florida 33154

**DESIGN REVIEW BOARD**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: **April 28, 2014**
4. DESIGN REVIEW BOARD APPLICATIONS:
  - A. Request of the Owner of Property located at 9472 Harding Avenue  
The applicant is requesting to install two retractable awnings.
  - B. Request of the Owner of Property located at 9461 Harding Avenue  
The applicant is requesting to install a new permanent sign.
  - C. Request of the Owner of Property located at 9599 Harding Avenue  
The applicant is requesting to install a new permanent sign.
5. ADJOURNMENT.

**PLANNING AND ZONING BOARD**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: **April 28, 2014**

**4. ORDINANCES:**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND ALL SECTIONS REFERENCING FINE AMOUNTS FOR CODE VIOLATIONS; SPECIFICALLY AMENDING SECTIONS 90-41.1 "SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOMES"; 90-49.2 "AWNINGS AND CANOPIES"; 90-56 "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND SECTION 90-57 "MARINE STRUCTURE" TO EXTEND THE LENGTH OF THE DOCK PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A COURTESY NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**5. DISCUSSION ITEMS:**

**A. Parking Trust Fund**

**B. Massing**

**6. FUTURE AGENDA ITEMS:**

**7. REPORT OF PERMITS ISSUED FOR THE MONTH OF APRIL 2014.**

**8. ADJOURNMENT.**

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, 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. AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863.

TWO OR MORE MEMBERS OF TOWN COMMISSION OR OTHER TOWN BOARDS MAY ATTEND AND PARTICIPATE AT THIS MEETING. THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



**TOWN OF SURFSIDE**  
**PLANNING AND ZONING BOARD AND DESIGN REVIEW BOARD**  
**MINUTES**  
**APRIL 28, 2014**  
**7:00 PM**

**1. CALL TO ORDER**

Town Attorney Linda Miller called the meeting to order at 7:03 p.m.

**2. ROLL CALL**

Recording Clerk Frantza Duval called the roll with the following members present: Board Member Armando Castellanos, Board Member Peter Glynn, Board Member Lindsay Lecour, Board Member Jacob Kligman and Design and Review Board Member Jorge Gutierrez. Board Member Jennifer Zawid was absent. Commissioner Cohen attended as liaison.

**3. SELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON**

Board Member Peter Glynn nominated Board Member Lindsay Lecour for Chair and received a second from Board Member Castellanos and all voted in favor. Board Member Jacob Kligman nominated himself as Vice Chair and received a second from Board Member Castellanos and all voted in favor.

**4. APPROVAL OF MINUTES: MARCH 27, 2014**

Board Member Castellanos made a motion to approve and all voted in favor.

**5. ORIENTATION**

Town Attorney Linda Miller gave an orientation for the Planning and Zoning Board.

**6. DESIGN REVIEW BOARD:**

**A. Request of the Owner of Property located at 9175 Bay Drive**

The applicant is requesting to convert a garage into additional living space.

Town Planner Sarah Sinatra presented the item. The applicant spoke on the item.

Board Member Gutierrez made a motion to approve with the recommendation that dimensions are provided on plans. The motion received a second from Board Member Castellanos and all voted in favor.

**B. Request of the Owner of Property located at 9016 Bay Drive**

The applicant is requesting to add a master suite, new windows and doors and remodel & repave the pool deck.

Town Planner Sarah Sinatra presented the item and gave recommended conditions.

For the record Board Member Gutierrez stated that as an architect, he spoke to the applicant but did not receive the job and there was no monetary exchange.

Board Member Castellanos made a motion to approve with the following conditions:

1. overall site pervious area shall be a minimum of 35%
2. minimum side setbacks shall be 5.4 feet.

The motion received a second from Vice Chair Kligman and all voted in favor.

**C. Request of the Owner of Property located at 9418 Collins Avenue**

The applicant is requesting to install two monument signs at The Grand Beach Hotel west parcel.

Town Planner Sarah Sinatra presented the item. John Perez, representing Grand Beach Hotel gave more details on the proposed signs. Mr. Perez also presented some visuals for the Board to review. There was some discussion regarding the number of signs as well as the size and placing of the signs.

Board Member Glynn made a motion to approve. The motion received a second from Board Member Castellanos and all voted in favor.

**D. Request of the owner of Property located at 9850 Abbott Avenue**

The applicant the Young Israel Congregation is requesting within the H-30B zoning district to install stained glass windows, stainless steel doors, landscaping, and a sign.

Town Planner Sarah Sinatra presented the item. The architect Jaime Shapiro representing Young Israel spoke on the item and gave a visual presentation showing details of the proposed project. The Board was pleased with the design.

Board Member Glynn made a motion to approve. The motion received a second from Vice Chair Kligman and all voted in favor.

**7. DISCUSSION ITEMS:**

**1. Massing**

Town Planner Sinatra gave an update with a power point presentation.

The Board discussed the item and then Chair Lecour opened the meeting to the public.

Review Board Member Jorge Gutierrez spoke and gave his insight on the issue.

Architect Jaime Shapiro also spoke and gave his opinions on the issue. After much discussion the Board asked Town Planner Sinatra to bring back to the Board another presentation with additional options discussed.

**2. Commercial Waste & Recycling Screening**

Town Planner Sinatra gave an update and after discussion she will prepare an ordinance for the June meeting.

**3. Single Family District Paint Colors**

Town Planner Sinatra gave an update and presented a color palette suggested by Board Member Glynn. The Board agreed on the top 4 colors presented which are lighter and rejected the stronger colors. Board Member Castellanos made a motion to allow the

top four lighter colors to go forward to the Commission. The motion received a second from Vice Chair Kligman and all voted in favor.

**4. Tree Canopy**

Town Planner Sinatra gave an update as to what is in the code and what is not in the code. Town Manager Crotty also gave an update on the issue. Board Member Glynn made a motion to request the Commission to prioritize the tree canopy project. The motion received a second from Board Member Castellanos and all voted in favor.

**5. Future Agenda Items**

Board Member Glynn asked for updates on the traffic study for the Shul, which Town Planner Sinatra provided. He also asked for an update on the Point Lake issue. Town Manager Crotty said a meeting with residents of that area is scheduled.

Town Planner Sinatra and Town Manager Crotty gave an update on sign awning code.

**8. PERMITS ISSUED AND REVENUE REPORT FOR MARCH 2014**

Building Official – Ross Prieto

**9. ADJOURNMENT.**

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:42 p.m.

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Chair Lindsay Lecour

Attest:

\_\_\_\_\_  
Sandra Novoa  
Town Clerk

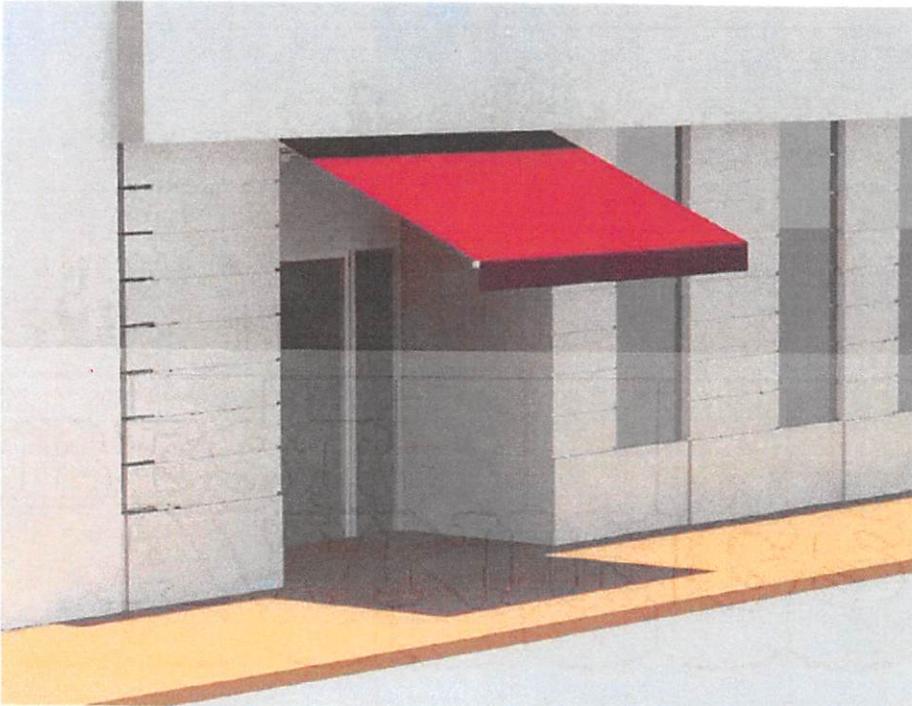


## MEMORANDUM

To: Design Review Board  
Thru: Michael Crotty, Town Manager  
From: Sarah Sinatra Gould, AICP, Town Planner  
CC: Linda Miller, Town Attorney  
Date: May 29, 2014  
Re: 9472 Harding Avenue – New Awning

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The property is located at 9472 Harding Avenue, within the SD-B40 zoning district. The applicant is requesting to install two new retractable awnings. The restaurant is Tiberio. The awnings are red in color.



Staff has reviewed the current application for consideration by the Planning and Zoning Board. In this report, Staff presents the following:

- Existing and proposed awning
- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation



## STANDARDS / RESULTS

### Town of Surfside Zoning Code, Applicable Requirements

#### *Sec. 90-49.2 Awnings and canopies.*

##### *a. Location/placement*

Permitted	Proposed
Awnings and canopies shall have consistent height and depth subject to the size of the wall opening which, the awning or canopy is affixed.	Awning height and depth is consistent with wall opening.
Awnings and canopies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context.	Awnings are consistent with architectural details and harmonious with the overall building design.
Awnings and canopies shall be consistent on multiple storefronts within a larger building.	Proposed awnings are consistent with other storefronts within building.
After 25 feet in length, an awning or canopy shall have either a break of a minimum of six inches or articulation of the awning or canopy.	The proposed awnings are each 10 feet in length.
Awnings shall be attached to the building facades and shall not be supported by vertical elements within the right-of-way.	Awnings are attached to the building facade and are not supported by vertical elements within the right-of-way.
Awnings shall have a pedestrian scale and be placed so as to provide weather protection.	Awnings have a pedestrian scale and provides weather protection.
Awnings shall be an enhancement to the building facade and shall be proportional with and complimentary to nearby buildings and awnings.	Proposed awnings are consistent with the building design.
Awnings shall be mounted in locations that respect the design of the building and do not obscure ornamental features over storefronts (i.e. rooflines, arches, materials, banding).	Proposed location of awnings do not obscure ornamental features over storefronts.
Awnings shall project a minimum of three feet and a maximum six feet over the sidewalk, not to exceed the width of the sidewalk.	Proposed awnings project six feet over the sidewalk and do not exceed the width of the sidewalk.



**b. Appearance**

Permitted	Proposed
Awnings shall be fabric or metal. Plastic and vinyl awnings are prohibited, except for First Grade vinyl awnings, subject to approval by the design review board.	A sunbrella canvas is proposed.
Awnings shall be solid colors rather than patterned.	Proposed awnings are solid red in color.
If an awning valance is proposed, it shall be straight rather than curved, except for special architectural elements to be compatible with historic building styles.	Awning valance is straight.
Awning colors shall enhance and complement the building and adjacent awnings, rather than overwhelm the building scheme. Colors shall not call more attention to the awning than the building.	Awning color is consistent throughout building.
Lighting associated with awnings and canopies shall be prohibited, except lighting approved by the design review board which is attached underneath the awning and intended to provide pedestrian lighting.	No lighting is proposed.

**RECOMMENDATION**

Staff recommends approval.



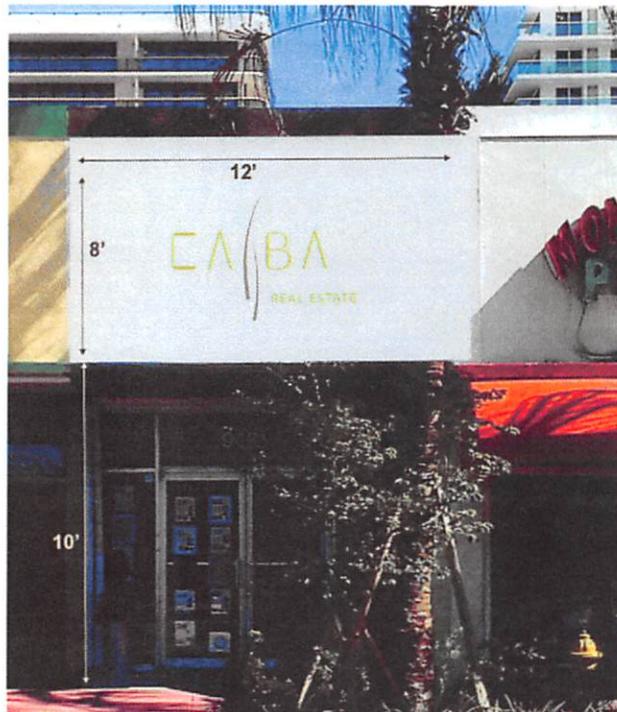
## MEMORANDUM

To: Design Review Board  
 Thru: Michael Crotty, Town Manager  
 From: Sarah Sinatra Gould, AICP, Town Planner  
 CC: Linda Miller, Town Attorney  
 Date: May 29, 2014  
 Re: 9461 Harding Avenue – New Sign

The property is located at 9461 Harding Avenue, within the SD-B40 zoning district. The applicant is requesting to install a new sign. The office is Caba Real Estate. The applicant is proposing individually mounted letters. The lettering is seafoam green color.

Staff has reviewed the current application for consideration by the Planning and Zoning Board. In this report, Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation





## STANDARDS / RESULTS

### Town of Surfside Zoning Code, Applicable Requirements

#### Sec. 90.41(c)

Regulated Uses	Permitted	Proposed
SD-B40	Restaurants - Provided that no sales shall be made through an open window to any street, alley, driveway or sidewalk	Restaurant with no window service.

#### Sec. 90-71.1

Signs	Permitted	Proposed
Area	25 square feet	23.5 square feet
Approved word content	Signs may include the following: 1) Trade name of establishment 2) Nature of business, services rendered or products sold on premises.	"Caba Real Estate" (Trade Name)
Prohibited Word Content	Signs may not include the following: 1) Any reference to price, except as provided in regards to "window sign."	"Caba Real Estate" (No reference to price.)
Location	With the exception of theater marquees and V-box signs, no sign shall be erected so that any portion thereof shall project over a dedicated street or sidewalk or so that any portion thereof shall project more than five feet from any main building wall.	Sign does not project over the sidewalk or street.

## RECOMMENDATION

Staff recommends approval.



## MEMORANDUM

To: Design Review Board  
 Thru: Michael Crotty, Town Manager  
 From: Sarah Sinatra Gould, AICP, Town Planner  
 CC: Linda Miller, Town Attorney  
 Date: May 29, 2014  
 Re: 9599 Harding Avenue – New Sign

The property is located at 9599 Harding Avenue, within the SD-B40 zoning district. The applicant is requesting to install a new sign. The applicant is Sabadell United Bank. The applicant is proposing LED illuminated channel letters mounted to fascia and logo. Letters will be black with white illumination. The proposed logo is blue.

Staff has reviewed the current application for consideration by the Planning and Zoning Board. In this report, Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

### EXISTING SIGNAGE





## STANDARDS / RESULTS

### Town of Surfside Zoning Code, Applicable Requirements

#### Sec. 90.41(c)

Regulated Uses	Permitted	Proposed
SD-B40	Restaurants - Provided that no sales shall be made through an open window to any street, alley, driveway or sidewalk	Restaurant with no window service.

#### Sec. 90-71.1

Signs	Permitted	Proposed
Area	50 square feet	32 square feet
Approved word content	Signs may include the following: 1) Trade name of establishment 2) Nature of business, services rendered or products sold on premises.	"Sabadell" (Trade Name)
Prohibited Word Content	Signs may not include the following: 1) Any reference to price, except as provided in regards to "window sign."	"Sabadell" (No reference to price.)
Location	With the exception of theater marquees and V-box signs, no sign shall be erected so that any portion thereof shall project over a dedicated street or sidewalk or so that any portion thereof shall project more than five feet from any main building wall.	Sign does not project over the sidewalk or street.

## RECOMMENDATION

Staff recommends approval.



## Town of Surfside Commission Communication

### Agenda Item #

**Agenda Date:** May 13, 2014

- Subject:**
- 1) An Ordinance Amending the Civil Penalty Provisions of Chapter 90 (Zoning Code) by Repealing Civil Penalty Provisions Contained Therein
  - 2) An Ordinance Amending the Civil Penalty Provisions of the Town Code (less Chapter 90) by Repealing Civil Penalty Provisions Contained Therein
  - 3) A Draft Resolution Adopting Civil Fine Schedules, Administrative Fees, and Abatement Costs for Code Violations

### Introduction

The Town Commission approved a list of enforcement priorities for the Code Compliance Division. In furtherance of said priorities, the Administration was asked to review and provide detailed recommendations on civil penalties and compliance periods for the priority items, as well as other code violations.

Code Compliance staff, along with the Town Attorney's office, spent considerable time reviewing the Town Code, as well as Resolution No. 1569, adopted on March 9, 1999, to identify all civil penalties contained therein. During this process, numerous sections of the Town Code were found to contain specific civil penalties for certain violations, while Resolution 1569 also contained specific civil penalty schedules linked to Town Code sections. The research revealed that there were many inconsistencies between the Town Code and Resolution 1569, and many of the code sections reflected in Resolution 1569 were outdated and no longer in keeping with the codified material. At the March 2014 Commission Meeting a report was prepared and submitted to the Commission that revealed the complexities involved in comprehensively addressing penalties/fines contained in the Town Code and Resolution 1569. Due to the fact that certain penalty schedules were part and parcel of Town Code Section 90 (Zoning Ordinance) which requires that any amendment thereto be brought before the Planning Board prior to second reading, two separate Ordinances have been prepared to appropriately address the changes, along with a draft of a new Resolution, for your review and comment, that will address civil penalties, administrative fees and costs.

As a point of information, at the direction of the Town Commission, enforcement of the Local Business Tax Receipt (LBTR) and Certificate of Use (CU) requirements for home based businesses was stayed until such time as code compliance priorities were established. In 2013 when the Town Commission established the 35 enforcement priorities, enforcement of the LBTR and CU requirements for Home Based Business was not included as part of said priorities. As such, the Administration is seeking direction from the Town Commission on how they would like to proceed with this matter.

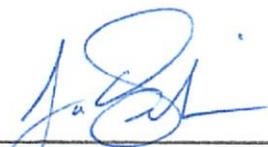
### Analysis

A draft of the proposed Resolution is attached hereto, as Exhibit "1", the final version of which will be presented for your approval and adoption when the two proposed Ordinances are brought back for second reading. The proposed Resolution, along with the two Ordinances shall serve to amend and comprehensively update the Town's civil penalty schedules. The penalty schedules update the penalties schedules for a majority of the violations addressed in the outdated Resolution 1569, as well as any other violation types that were not specifically addressed in Resolution 1569 (including the 35 Town Commission established priorities.) In an effort to simplify and facilitate administration and enforcement of the more than 150 violation types that previously had specific civil penalty amounts, it is proposed that penalties for most violation types be established at a rate of twenty-five dollars (\$25.00) per day for a first time offense and at fifty dollars (\$50.00) per day for a second or repeat offense. Other violations that are more egregious or are not reparable are specifically addressed by type in the proposed Resolution.

To facilitate review of the penalties and compliance periods proposed for the 35 established priorities, please see Exhibit "2", attached hereto. The rest of the civil penalties, along with the penalties for the 35 established priorities, are included in the draft of the proposed Resolution. The compliance period for the balance of the violations will vary depending on the nature of the violation, and should be left to the discretion of the Town Administration.

### Conclusion

Removing most civil penalty references from the Town Code and previously adopted Ordinances and addressing same via resolution will provide for a more efficient manner to amend the scheduled penalties in the future, if necessary. As such, it is recommended that the Commission review, comment and provide direction on the attached draft Resolution and adopt the accompanying Ordinances on first reading which will serve to comprehensively update the schedule of civil penalties and the Town Code. Moreover, the Administration is seeking direction with regard to enforcement of the LBTR and CU requirements for Home Based Businesses.




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Joe Damien  
Code Compliance Director




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Michael Crotty  
Town Manager

**ORDINANCE NO. 14 - \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND ALL SECTIONS REFERENCING FINE AMOUNTS FOR CODE VIOLATIONS; SPECIFICALLY AMENDING SECTIONS 90-41.1 "SHORT TERM RENTAL OF SINGLE FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, MULTI-FAMILY DWELLINGS AND TOWNHOMES"; 90-49.2 "AWNINGS AND CANOPIES"; 90-56 "FENCES, WALLS AND HEDGES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission has had numerous discussions of Code Compliance and of the Town's fine and penalties structure; and

**WHEREAS**, the Town Commission approved a list of enforcement priorities for the Code Compliance division; and

**WHEREAS**, the Town Commission desires to revise the Town's fine and penalty structure and determined this was a priority; and

**WHEREAS**, in an effort to ensure consistency between the Florida Statutes, the Town Code of Ordinances, and Code Compliance procedures, references to fine amounts will be removed from the Code of Ordinances and the reference will be to the schedule of fines to be adopted by the Town Commission in a Resolution; and

**WHEREAS**, the Town Commission held its first public reading on May 13, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on May 29, 2014 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

**WHEREAS**, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on June 10, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

**NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:**

**Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

**Section 2. Code Amendment.** The Code of the Town of Surfside, Florida is hereby amended as follows:

**Chapter 90. Zoning.**

**Sec. 90-41.1. Short term rental of single family dwellings, two-family dwellings, multi-family dwellings and townhomes.**

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*(c) Resort tax and enforcement.*

(1) *Payment of resort tax required.* Owners are subject to payment of the resort taxes as establish by the laws of the Town of Surfside.

(2) *Violations of this section:*

a. Are subject to the fines as set forth in the schedule of fines adopted by resolution ~~to the following fines. The special master may not waiver or reduce fines set by this section.~~

i. ~~First violation: \$500.00.~~

ii. ~~Second violation within the preceding 12 months: \$1,500.00.~~

iii. ~~Third violation within the preceding 12 months: \$5,000.00.~~

iv. ~~Fourth or greater violation within the preceding 12 months: \$7,500.00.~~

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**Sec. 90-49.2. Awnings and canopies.**

The following Design Criteria are applicable to all multi-dwelling and non-residential properties. All new and replacement awnings and canopies shall meet these requirements.

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*d. Enforcement.*

1. Code enforcement and/or the building department shall be responsible for the enforcement of these provisions. Any person or entity violating these provisions shall be subject to a ~~\$250/day fine~~ fines as set forth in the schedule of fines adopted by resolution and punishable as provided in section 1-8 and all other applicable sections of the Code of the Town of Surfside.

**Sec. 90-56. Fences, walls and hedges.**

*90-56.1.A.* A fence or ornamental wall not more than six feet in height, as measured from grade, may project into or enclose an interior side or rear yard only. Notwithstanding anything to the contrary elsewhere in the code, for purposes of this section, grade is defined as the point of the ground immediately below the location of the fence or wall.

*90-56.1.B. Construction fencing.* Temporary construction fences are required by this ordinance unless otherwise determined by the Building Official. A construction fence permit shall be obtained from the Building Department prior to the fence being erected. Each fence constructed or maintained shall be constructed and anchored in accordance with the Florida Building Code.

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- (c) Any person or entity found to be in violation of this subsection shall be subject to ~~a fine of \$500.00 per day~~ finer as set forth in the schedule of fines adopted by resolution.

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- (o) *Enforcement and penalties.* The code compliance division and building departments shall be responsible for the enforcement of the provisions of this section. Any person or entity found to be in violation of this section shall be subject to ~~a \$500.00 fine per day~~ finer as set forth in the schedule of fines adopted by resolution.

**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 re-lettered 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 ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

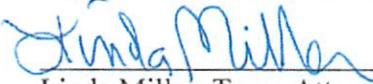
PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
TOWN OF SURFSIDE ONLY:**

  
\_\_\_\_\_  
Linda Miller, Town Attorney

On Final Reading moved by: \_\_\_\_\_

On Final Reading seconded by: \_\_\_\_\_

**FINAL VOTE ON ADOPTION**

Commissioner Barry R. Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____



## Town of Surfside Planning & Zoning Communication

**Agenda Date:** May 29, 2014

**Subject:** Dock Projection Ordinance  
(Docks on Biscayne Bay)

**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** The Town's zoning code limits docks located on Biscayne Bay and Indian Creek to 35 feet in length. Miami-Dade's Regulatory and Economic Resources (RER, formerly DERM), has required longer docks than what is limited by the Town's zoning code, to protect the sea grasses located adjacent to the seawalls. The Planning and Zoning Board directed staff to request input from RER on the appropriate length of docks and prepare an ordinance for an upcoming Town Commission meeting limiting docks to RER's recommendation.

Staff reviewed the codes of other municipalities within Miami-Dade County as well as spoke to RER about the potential code change. RER has indicated that there is no specific minimum or maximum number of feet to limit a dock projection to protect the seagrass beds. Each circumstance is different and even the sea grasses adjacent to neighboring properties could have different requirements.

### **Analysis:**

The proposed ordinance is a modification to the length of a dock for docks along Biscayne Bay. This modification is not applicable to Point Lake.

Due to Miami-Dade County requiring longer docks than permitted by the Town Code for docks along Biscayne Bay, staff suggests modifying the maximum length of a dock projection to 40 feet, except if the applicant provides evidence that Miami-Dade County requires a greater dock length. Currently, the code states that a dock is limited to 35 feet and a variance would be required to exceed the 35 foot limitation in order to meet the County standards.

**Staff Recommendation:** The Town Commission unanimously approved this ordinance on first reading. Staff recommends the Planning and Zoning Board recommend approval to the Town Commission.



\_\_\_\_\_  
Sarah Sinatra Gould, AICP, Town Planner



\_\_\_\_\_  
Michael Crotty, Town Manager



## Town of Surfside Commission Communication

### Agenda #

**Agenda Date:** May 13, 2014

**Subject:** Dock Projection Ordinance (Docks on Biscayne Bay)

**Background:** The Town's zoning code limits docks located on Biscayne Bay and Indian Creek to 35 feet in length. Miami-Dade's Regulatory and Economic Resources (RER, formerly DERM), has required longer docks than what is limited by the Town's zoning code, to protect the sea grasses located adjacent to the seawalls. The Planning and Zoning Board directed staff to request input from RER on the appropriate length of docks and prepare an ordinance for an upcoming Town Commission meeting limiting docks to RER's recommendation.

Staff reviewed the codes of other municipalities within Miami-Dade County as well as spoke to RER about the potential code change. RER has indicated that there is no specific minimum or maximum number of feet to limit a dock projection to protect the seagrass beds. Each circumstance is different and even the sea grasses adjacent to neighboring properties could have different requirements.

**This issue was presented to the Town Commission on April 8; however not discussed as it "died for lack of a second".**

**This is being brought back for consideration as feedback indicated that some thought this item included or potentially impacted the still unresolved issue of Point Lake/North Canal/Docks/Exposed waterline.**

**This amendment only addresses docks located on Biscayne Bay. Currently, there is one homeowner dealing with the difference in dock length (35' Town vs. 40' RER/DERM). The Town Planner indicated that two additional residents have contacted her regarding this regulation that prevents a property located on Biscayne Bay from erecting a dock without a variance.**

**Analysis:** The proposed ordinance is a modification to the length of a dock for docks along Indian Creek and Biscayne Bay. This modification is not applicable to Point Lake.

Due to Miami-Dade County requiring longer docks than permitted by the Town Code for docks along Biscayne Bay, staff suggests modifying the maximum length of a dock projection to 40 feet, except if the applicant provides evidence that Miami-Dade County requires a greater dock length. Currently, the code states that a dock is limited to 35 feet and a variance would be required to exceed the 35 foot limitation in order to meet the County standards.

**Staff Recommendation:** Staff recommends the Town Commission approve on first reading.

**Budget Impact:** N/A

**Growth Impact:** N/A

**Staff Impact:** N/A



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Sarah Sinatra Gould, AICP, Town Planner



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Michael Crotty, Town Manager

**ORDINANCE NO. 14-\_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND SECTION 90-57 "MARINE STRUCTURE" TO EXTEND THE LENGTH OF THE DOCK PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A COURTESY NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town has previously regulated the length docks that project into Biscayne Bay, Indian Creek, and Point Lake; and

**WHEREAS**, DERM and the Corp of Engineers have expressed an interest in preserving and not disturbing the sea-grass the presently grows at the point where the Code currently requires docks to be built in Biscayne Bay; and

**WHEREAS**, the Town has received requests to extend the length of docks in Biscayne Bay and those requests are not inconsistent with recommendations from the applicable approving government agencies and this amendment will therefore promote the health, safety, and welfare of the Town; and

**WHEREAS**, the Town Commission held its first public reading on April 8, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on May 29, 2014 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

**WHEREAS**, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on June 10, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

**NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:**

**Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

**Section 2. Code Amendment.** The Code of the Town of Surfside, Florida is hereby amended as follows:

**Sec. 90-57. Marine structures.**

The following regulations shall apply to boat docks, piers, and mooring piles, in any district:

(1) Projection of docks and piers into waterways beyond the waterway line, lot line, or established bulkhead lines shall be limited as follows, subject to final approval by ~~DERM and any other applicable agency~~ Miami-Dade County and any other authority having jurisdiction:

a. Biscayne Bay: 35-feet 40 feet, except if the applicant provides evidence that Miami-Dade County requires a greater dock length to avoid or minimize adverse environmental impact to marine resources.

\*\*\*

(3) For all properties requesting a Marine Structure permit as described in this Section, the Town Manager or designee shall send a mailed courtesy notification to all property owners within 300 feet of the property requesting the permit submitted to the Building Department.

**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 re-lettered 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 ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Daniel Dietch, Mayor

Ordinance No. \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
TOWN OF SURFSIDE ONLY:**

\_\_\_\_\_  
Linda Miller, Town Attorney

On Final Reading moved by: \_\_\_\_\_

On Final Reading seconded by: \_\_\_\_\_

**FINAL VOTE ON ADOPTION**

Commissioner Barry R. Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

Ordinance No. \_\_\_\_\_



**TOWN OF SURFSIDE  
PLANNING AND ZONING BOARD COMMUNICATION**

**Agenda Date:** May 29, 2014

**Subject:** Discuss Possible Moratorium on the Downtown Parking Trust Fund (“PTF”)

**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** At the May 13, 2014 Town Commission meeting a Resolution was deferred until the June 10, 2014 Town Commission meeting (See Attachment “A”). The Resolution proposes beginning the process to impose a moratorium on using the PTF as an option to satisfy off street parking requirements until the issue can be more fully vetted.

The PTF option in Section 90-77 of the Surfside Code (See Attachment “B”) permits an applicant to pay \$22,500 per space; payable over time (e.g., 20 years or longer) interest free, as a way to meet off street parking requirements without having to locate all the required parking spaces on the subject property. The PTF option contains no limits or restrictions on the number of parking spaces that can be purchased.

**Staff Recommendation:** Staff recommends the Planning and Zoning Board to direct staff to communicate to the Town Commission the Planning and Zoning Board’s recommendations on the proposed Resolution (Attachment “A”).



**TOWN OF SURFSIDE  
COMMISSION COMMUNICATION MEMORANDUM**

**From:** Commissioner Michael Karukin

**Agenda Item #**

**Agenda Date:** May 13, 2014

**Subject:** Resolution re: Moratorium on the Downtown Parking Trust Fund ("PTF")

**Background:**

The PTF option in Section 90-77 of the Surfside Code permits an applicant to pay \$22,500 per space; payable over time (e.g., 20 years or longer) interest free, as a way to meet off street parking requirements without having to locate all the required parking spaces on the subjects property. Meaning, an applicant can purchase parking spaces that do not exist.

In addition, the PTF option contains no limits or restrictions on the number of parking spaces that can be purchased.

No limits or restrictions may have unintended consequences related to land use intensity, building configurations, massing, including negative impacts on traffic and congestion. For example, in a recent project the applicant selected the PTF option with a plan to purchase 100 spaces. However, the Town cannot realistically accommodate that number of spaces without a new parking structure.

At the March 2014 Planning and Zoning meeting, Stan Price, Esq., an expert land use attorney for the Applicant testified that Surfside's PTF ordinance is "defective". In addition, the Town Planner suggested that having no limits or restrictions in a PTF ordinance may not be consistent with sound planning policy. Furthermore, in the Town Manager's April 2014 report entitled "Parking Solution: The Next Step" it is stated that "until a parking solution is implemented" changes to the PTF should be considered (see page 21 of the pdf, page 19 in the hard copy).

**Action:** It is proposed that the Town Commission ("TC") approve a Resolution that begins the process to impose a moratorium on using the PTF as an option to satisfy off street parking requirements until the issue can be more fully vetted and direct the Town Clerk to Publish a Notice of Zoning in Progress that is consistent with the Resolution. Until the issue can be more fully vetted, the TC may consider the following items:

- Eliminate the PTF altogether
- Add a requirement where the Town Commission has to approve a PTF application
- Add an interest rate requirement to the amount paid over time as governed under Florida Statutes
- Limit the number of spaces available under the PTF to a percentage of the total requirement.
- Establish a means test to determine if the PTF should apply to an applicant

## RESOLUTION NO. 14 - \_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, CONSIDERING THE NEED FOR A MORATORIUM ON THE OPTION TO USE THE PARKING TRUST FUND FOR OFF-STREET PARKING AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; REQUESTING THAT THE PLANNING AND ZONING BOARD MAKE RECOMMENDATIONS REGARDING MODIFICATIONS TO THE PARKING TRUST FUND OPTION AND REGARDING SUCH MORATORIUM; DIRECTING THE TOWN CLERK TO PUBLISH A NOTICE OF ZONING IN PROGRESS AS APPLIED TO ANY PROPOSED DEVELOPMENT WHICH HAS NO COMPLETE APPLICATION PENDING; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") is currently studying the feasibility of developing a parking garage that would use, in part, the fees collected in the Downtown Parking Trust Fund created pursuant to Section 90-77 (b)(5) of the Town of Surfside Code of Ordinances; and

**WHEREAS**, it is in the best interests and welfare of the Town and its residents to review the existing provisions of the off-street parking requirements of the Town of Surfside zoning code which allows the use of the Downtown Parking Trust Fund as an option to satisfy parking requirements for uses within the SD-B40 zoning district and for religious places of public assembly; and

**WHEREAS**, in order to prevent the premature use of the Downtown Parking Trust Fund as an option for off-site parking requirements during the period of the parking garage feasibility study and during the period of review of the off-street parking requirements of the zoning code, it may be necessary for the Town to impose a moratorium on the use of the aforesaid option and to invoke zoning in progress pursuant to Section 90-6 of the zoning code; and

**WHEREAS**, the Town Commission desires that the Planning and Zoning Board consider and recommend to the Town Commission whether there should be modifications to the zoning code provisions related to the Downtown Parking Trust Fund, and whether a moratorium should be imposed on the option to use the Downtown Parking Trust Fund as an alternative to off-street parking requirements; and

**WHEREAS**, the Town Commission desires that any such moratorium and the zoning in progress shall not apply to pending applications for development approvals which have been determined to be complete applications as of the date of this Resolution.

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

**Section 1. Recitals Incorporated.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution upon adoption hereof.

**Section 2. Call for Review of the Downtown Parking Fund Option for Providing Off-street Parking Requirements.** The Town Commission requests that the Planning and Zoning Board consider and make recommendations to the Town Commission regarding zoning revisions to Section 90-77 “Off-street parking requirements” of the Town of Surfside Zoning Code. Specifically, the Town Commission requests that the Planning and Zoning Board consider and recommend whether the provision of the zoning code relating to the use of the Downtown Parking Trust Fund as an option for fulfilling off-site parking requirements should be modified.

**Section 3. Call for Consideration of a Moratorium.** The Town Commission requests that the Planning and Zoning Board also consider and make recommendations to the Town Commission regarding the need for a moratorium on the option to use the Downtown Parking Trust Fund during the period that the Planning and Zoning Board and Town Commission consider any revisions to the zoning code provision for the Downtown Parking Trust Fund. It is intent of the Town Commission that any such moratorium shall not apply to pending applications for development approvals which have been determined to be complete applications as of the date of this Resolution.

**Section 4. Direction to the Town Clerk to Publish Zoning in Progress Notice.** The Town Commission directs the Town Clerk to Publish a Zoning in Progress Notice as provided in Section 90-6 “Zoning in Progress” of the zoning code, in order to apply a hold on the processing of development applications that are submitted to the Town after the date of the publication of the Notice. Provided, however, that the Notice shall not apply to any pending applications for development approvals which have been determined to be complete applications as of the date of this Resolution.

**Section 5. Effective Date.** This Resolution becomes effective upon adoption.

**PASSED and ADOPTED** on this \_\_\_\_ day of \_\_\_\_\_, 2014.

Motion by Commissioner \_\_\_\_\_, Second by Commissioner \_\_\_\_\_.

FINAL VOTE ON ADOPTION

Commissioner Barry R. Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Marta Olchyk	_____
Vice Mayor Eli Tourgeman	_____
Mayor Daniel Dietch	_____

\_\_\_\_\_  
Daniel Dietch, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE TOWN OF SURFSIDE ONLY:**

*Linda Miller*  
\_\_\_\_\_  
Linda Miller, Town Attorney

**Sec. 90-77. Off-street parking requirements.**

- (a) Except as otherwise provided herein, when any building or structure is hereafter constructed; or structurally altered so as to increase the number of dwelling units or hotel rooms to increase its total commercial floor area, including provision of outdoor seating; or when any building or structure is hereafter converted to any of the uses listed in subsection 90-77(c), off-street parking spaces shall be provided in accordance with the requirements of subsection 90-77(c), or as required in subsequent sections of this article. The requirement for an increase in the number of required parking spaces shall be provided on the basis of the enlargement or change of use.
- (b) Parking compliance for properties and uses located in SD-B40 zoning district and for religious places of public assembly in other areas of the town.

(1) *Off-street parking applicability.* This section applies to:

- a. Uses within the SD-B40 zoning district where changes of use from service businesses to restaurant or retail occur; and
- b. Religious places of public assembly located within the area depicted on the Public Assembly Places as set forth in subsection 90-41(d)(23) hereinabove.

(2) *Options to satisfy parking requirements for uses specified in (1) above.*

Satisfaction of the off-street parking requirements of this subsection (b) may be achieved through compliance with any combination of the following options:

- a. On site provision of required parking spaces as more specifically set forth in subsection 90-77(c);
- b. Tandem parking as more specifically set forth in subsection 90-77(d);
- c. Joint use and off-site facilities as more specifically described in section 90-80. If parking is satisfied by agreement with a private third party, the town shall require an agreement in writing for an effective period of no less than five years. No less than 60 days prior to the expiration of such agreement, either a new agreement shall be in place or the owner of the property for which the parking is being provided shall receive the town's approval of the employment of one of the other prescribed options contained in this subsection. Failure to secure the town's approval of one or a combination of the prescribed options shall result in revocation of the owner's certificate of occupancy and certificate of use;
- d. Shared parking; or

e. Payment of parking trust fee that can be used to finance the provision of parking whether through the purchase, construction or modification of parking facilities or to otherwise provide for additional parking as more specifically set forth in subsection 90-77(b)(4).

(3) *Modification of parking requirements.* In tandem with the use of options (2)c—e to satisfy parking requirements, requests may be made for a reduction in the minimum parking requirements which may be considered by the town upon receipt of an application from the owner of the site seeking a reduction as follows:

a. Minor reductions. Requests for a reduction of one to three required parking spaces may be approved by the town manager in consultation with the town planner as a de minimus reduction upon a finding that the applicant has utilized the options available in subsection 90-77(b)2 above, to the greatest extent feasible. If the request is denied by the town manager, that decision may be appealed to the town commission.

b. Major reductions. The planning and zoning board shall hear requests for reductions in parking in excess of the town manager's authority under subsection (3)a hereinabove. Such requests shall be accompanied by a report prepared by the town manager and town planner and approved for legal sufficiency by the town attorney, analyzing existing and future parking demands, the availability of underutilized public parking spaces, and traffic circulation. The report prepared by the town manager and town planner and approved for legal sufficiency by the town attorney will be based upon an independent study completed by a professional traffic engineer licensed in the State of Florida.

c. Criteria for approval of major or minor reduction. Requests for reduction may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within 300 feet of the subject property along a practical and usable pedestrian route excluding residential districts.

If the request is denied by the planning and zoning board, that decision may be appealed to the town commission.

(4) *Parking trust fee.* The off-street parking requirements may be complied with by paying into the downtown parking trust fund the sum of money that is the product of the number of parking spaces required but not provided, multiplied times the amount of the established fee per parking space. The parking fee amount shall be calculated on a "per parking space" standard, based upon a portion of the cost of the land,

combined with the cost of design and construction, for a single structured off-street parking space. The established fee per parking space shall be determined by the town manager and approved by resolution of the town commission, as may be amended from time to time. All required parking fees shall be paid prior to the issuance of a building permit.

(5) *Parking trust fund.* There is hereby established a trust fund to be entitled the "Town of Surfside Downtown Parking Trust Fund," to be maintained and administered by the Town Manager. Parking fees collected pursuant to subsection 90-77(b)(4) shall and any other monies may be deposited into this fund. The fund shall be used to facilitate the provision of public off-street parking and infrastructure improvements related to parking including, but not limited to, the following activities:

- a. Acquire fee simple or other interests in land, and other real property for parking purposes;
- b. Construct, maintain, operate, lease, manage, purchase, or otherwise provide off-street parking facilities for public use including all labor and materials, cost of interest and financing etc;
- c. Provide public information to enhance parking utilization including publicity campaigns, graphics and signage, and other informational devices;
- d. Coordinate plans for parking facility improvements and expansion with public transportation plans and operations in the vicinity;
- e. Provide accessibility to off-street parking facilities by suitable means such as public shuttle, tram or trolley service and related physical improvements such as bus shelters and right-of-way modifications; and
- f. Perform such other related activities as may be necessary to carry out the intent of this subsection.

The success and financial feasibility of providing any such shuttle, tram, bus, or trolley service, as provided in subsection (b)(5)e., shall be subject to annual evaluation by the town commission. Funds deposited in the downtown parking trust fund shall be made available to the town commission for the purposes set forth in this subsection, after review and recommendation by the town manager to the town commission and approval by the town commission.



## Town of Surfside Planning and Zoning Communication

**Agenda Date:** May 29, 2014

**Subject:** Massing

**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** The Planning and Zoning Board has requested graphics to depict options for reducing the lengths of buildings.

**Analysis:**

Staff has provided two graphics. The following text describes the graphics.

***One tower option:***

- Buildings limited to 150 feet in length.
- 30 foot high platform
- 90 foot high tower above the platform
- Tower setbacks conform to the 1:3 ratio for height above 30 feet in height.

***Multiple tower option:***

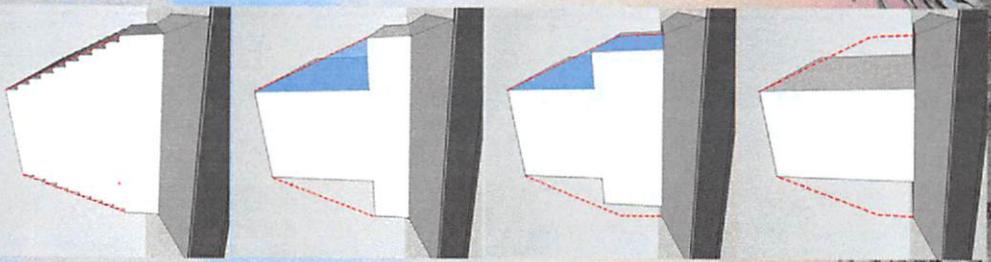
- Buildings limited to 150 feet in length.
- 30 foot high platform.
- 90 foot high tower above the platform
- Tower setbacks do not conform to the 1:3 ratio. Instead, a 20 foot additional side setback will be required.
- The distance between the towers is 40 feet.

**Staff Recommendation:** Provide direction to staff on the preparation of an ordinance.

Sarah Sinatra Gould, AICP, Town Planner

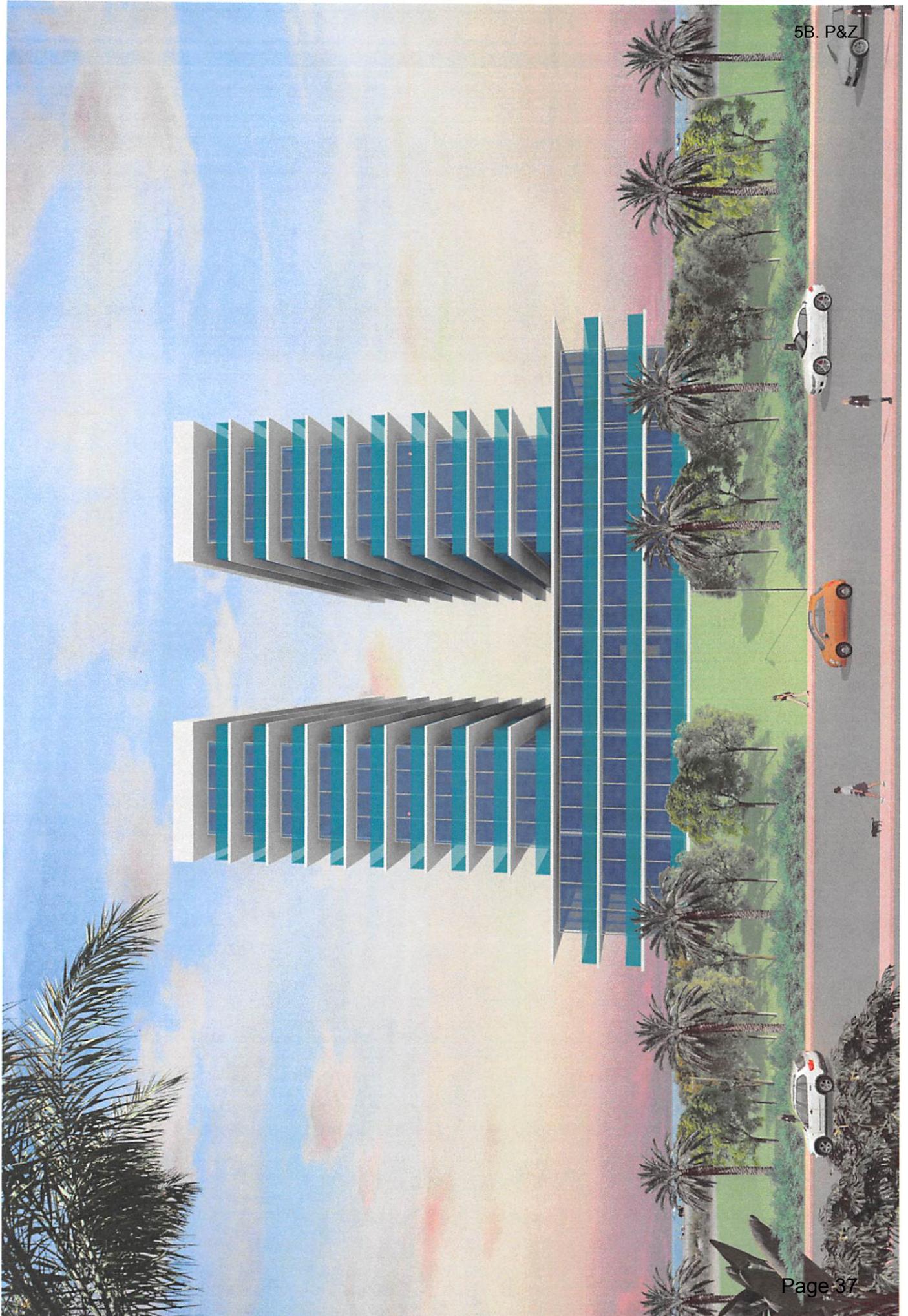
Michael Crotty, Town Manager

ALLOWABLE  
MASSING VARIATIONS



REQUIRED  
TOWER SETBACK  
ABOVE 30 FT







ITEM	OUTCOME	NEXT STEPS	IN CONTRACT OR WORK AUTHORIZATION	TENTATIVE SCHEDULE	COMPLETE
<b>General Code Modifications</b>					
a. Commercial waste and recycling container screening	Screening for containers, green screen, vegetation, include pictures from Commissioner Kligman	Draft code amendment	In contract	March PZ	July Commission agenda
b. parking space standards	Modify multi-family rates based on number of bedrooms and provide for guest parking, look at other cities (Coral Gables), require parking for hotel employees, no change to size of spaces, pumps in underground garages	Draft code amendment	In contract	July PZ	
c. cargo container regulations	Prohibit cargo containers in the business district	Draft code amendment	In contract	August PZ	
d. driveway material regulations	Modify code to allow stamped concrete and concrete slabs with decorative rock or grass in between	Draft code amendment	In contract	November PZ	Draft Complete. Commission will review
e. garage door clarification	Modify code to remove requirement for two separate garage doors	Draft code amendment	In contract	November PZ	COMPLETE
f. satellite dishes	Further review by staff	Research and prepare report for discussion and possible code amendment	In contract	July PZ	
g. pyramiding effects of setbacks in the H120 district	No action necessary since Planning and Zoning Board currently reviewing setbacks as part of wall frontage modifications			N/A	

<b>Sustainability Modifications</b>				
a. residential or commercial wind turbine regulations	Prepare ordinance regulating wind turbines including hurricane precautions, noise regulations, insurance considerations	Draft code amendment	In contract	September PZ
b. solar panel regulations	Prepare ordinance regulating solar panels	Draft code amendment	In contract	March PZ
c. Car-charging station regulations	Prepare ordinance regulating car charging stations requiring them in new multi-family, research what other communities are doing	Draft code amendment	In contract	December PZ
<b>Building Code Clarification</b>				
a. as-built reviews for residential projects	Discuss increasing canopy in town, street trees, what can be planted in ROW	Research and prepare report for discussion and possible code amendment	In contract	March PZ
b. interpretation of base flood elevation for the H120 district	No change	No further action needed		N/A
<b>Density</b>	Amend comp plan to specify net as the density calculator; prohibit including ROW in density calculation when there is unity of title; research effects of utilizing net vs. gross for density calculations	Data and analysis and preparation of comprehensive plan amendment	Work Authorization	Schedule determined after Commission direction
<b>Floor Area Ratio</b>	Create new zoning criteria in H30 and H40 to include minimum open space requirements and mid block	Data and analysis, preparation of graphics	Work Authorization	Schedule determined after

	accessibility and walkways			Commission direction	
<b>Expansion of the business district one block south</b>	Manager to prepare analysis of public/private partnerships and financing alternatives	Place on future Planning and Zoning agenda for discussion	If a land-use and zoning change are implemented, a Work Authorization will be required	Schedule determined after Commission direction	
<b>Sign/awning code</b>	Discussed at Joint Meeting	Staff beginning to work on draft	Work Authorization - approved	March DVAC	Draft complete-joint meeting in May
<b>Additional Requests from Planning &amp; Zoning after the Joint Meeting</b>					
<b>Green walls</b>	Require green walls adjacent to alleys and other buildings that abut public right of ways	Research and prepare report for discussion and possible code amendment	In contract	September PZ	
<b>Downtown Color Palette</b>	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate and what colors/criteria should be included	Place on future Planning and Zoning agenda for discussion	In contract	December PZ	COMPLETE. Replaced with repainting of structures
<b>Bay Drive &amp; 96<sup>th</sup> Street</b>	Open Bay Drive off 96 <sup>th</sup> Street	Staff will research	Police and Building to research	No change- Police Chief eited safety concerns	COMPLETE
<b>Paint Colors</b>	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate for single family homes and what colors/criteria should be included	Place on future Planning and Zoning agenda for discussion	In contract	March PZ	August commission agenda
<b>Turtle Lighting</b>	Town Staff to prepare review	No ordinance necessary	Turtle lighting already required in code		COMPLETE

Painting of commercial structures	Town Staff to prepare ordinance	Prepare ordinance for commission	Building to prepare ordinance	March PZ	Upcoming Commission agenda.
. 10% window opening requirement per story	Discussion with the Planning & Zoning Board	Prepare ordinance for commission	In contract	June PZ	
Parking Trust Fund	Discussion with the Planning & Zoning Board to provide a cap for payment into the fund	Place on future Planning & Zoning agenda for discussion	In contract	May PZ	

\*The schedule is subject to change due to the scheduling of items that will be scheduled after Town Commission direction.

**Permits and Revenue  
Report**

<u>Fiscal Quarter</u>	<u>Fiscal Year</u>	<u>Revenue Period</u>	<u>Month/ Year</u>	<u>Permits Issued</u>	<u>Revenue</u>	<u>Building</u>	<u>Electrical</u>	<u>Mechanical</u>	<u>Plumbing</u>	<u>Roofing</u>
1	2014	1	10/1/13	143	\$35,685	87	20	14	19	3
	2014	2	11/1/13	117	\$26,448	63	15	17	17	5
	2014	3	12/1/13	132	\$33,739	63	26	13	23	7
2	2014	4	1/1/2014	81	\$319,755	44	16	9	11	1
	2014	5	2/1/2014	101	\$30,772	54	11	13	17	6
	2014	6	3/1/2014	133	\$20,966	67	28	17	20	1
3	2014	7	4/1/2014	106	\$19,193	45	25	18	17	1
	2014	8	5/1/2014							
	2014	9	6/1/2014							
4	2014	10	7/1/2014							
	2014	11	8/1/2014							
	2014	12	9/1/2014							
				<u>Total</u>	<u>Total</u>					
				<u>Permits</u>	<u>Permit</u>					
				<u>Issued</u>	<u>Revenue</u>					
				813	\$486,558					