



**TOWN OF SURFSIDE  
PLANNING AND ZONING BOARD**

**AGENDA  
OCTOBER 23, 2013  
7:00 PM**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: **OCTOBER 2, 2013 (ATTACHED)**
4. PLANNING AND ZONING APPLICATIONS:

**A. Request of the Owner of Property located at 9365 Abbott Avenue  
The applicant is requesting to build a second story closet addition.**

**B. Request of the Owner of Property located at 9525 Harding Avenue  
The applicant is requesting to renovate a storefront.**

5. ORDINANCES:

**Capital Improvement Element-**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE 2013 ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Construction Fencing-**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1.B "CONSTRUCTION FENCING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PERMIT CONSTRUCTION FENCING MATERIALS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

6. DISCUSSION ITEMS:

**A. Massing**

**B. Bal Harbour Shops Expansion (Vice-Chair Glynn's request)**

**7. PERMITS ISSUED AND REVENUE REPORT FOR SEPTEMBER 2013.**

**8. ADJOURNMENT.**

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936. 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  
MINUTES  
OCTOBER 2, 2013  
7:00 PM**

**1. CALL TO ORDER**

Chair Lecour called the meeting to order at 7:04 p.m.

**2. ROLL CALL**

Recording Clerk Jenorgen Guillen called the roll with the following members present: Board Member Jennifer Dray, Board Member Armando Castellanos, Vice Chair Peter Glynn and Chair Lindsay Lecour. Board Member Carli Koshal arrived at 7:07 p.m. Mayor Daniel Dietch attended as the Board liaison.

Town Attorney Linda Miller requested the order of the agenda be changed. Board Member Koshal made a motion to approve and it was seconded by Board Member Castellanos and all voted in favor.

**3. APPROVAL OF MINUTES: AUGUST 29, 2013 (ATTACHED)**

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

**4. ORDINANCES:**

**A. Comprehensive Plan Amendment-**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

Special Land Use Counsel Nancy E. Stroud presented the item. A motion to amend the comprehensive plan and present to the Commission for approval was made by Board Member Dray and received a second from Board Member Castellanos. All voted in favor.

**B. Veterinarian Office-**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION SEC. 90-41(d) "REGULATED USES" ADDING VETERINARY OFFICE AS A CONDITIONAL USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Planner Sarah Sinatra presented the item with changes to the ordinance that the Commission had requested. Staff recommends approval.

A motion to approve was made by Board Member Dray and received a second by Board Member Castellanos. All voted in favor.

A motion was made by Board Member Castellanos to move item 4A Comprehensive Plan Amendment to the end of the meeting. The motion received a second from Board Member Dray and all voted in favor.

**5. PLANNING AND ZONING APPLICATIONS:**

**A. Request of the owner of property located at 9317 Dickens Avenue**

**The applicant is requesting to install a front yard wall.** Town Planner Sarah Sinatra presented the item and staff is recommending with conditions. Public Speaker Anthony Hays spoke on behalf of applicant and gave more details on the project as well as addressing issues the Board had.

Board member Castellanos made a motion to approve with recommendations

1. Height of wall be reduced to four feet
  2. Island between driveway be a minimum of 60 square feet of landscaping
- The motion received a second from Vice Chair Glynn and all voted in favor

**B. Request of the owner of property located at 9480 Harding Avenue**

**The applicant is requesting to install a permanent sign.**

Town Planner Sarah Sinatra presented the item and staff is recommending approval

A motion to approve was made by Board Member Dray and received a second by Board Member Castellanos. All voted in favor.

**C. Request of the owner of property located at 9519 Harding Avenue**

**The applicant is requesting to install a permanent sign.**

Town Planner Sarah Sinatra presented the item and staff is recommending with conditions. She has asked for a bettering rendering of the project to present to the Board and has not been able to obtain one. Applicant David Morrison spoke on the item and stated he has been trying to work with staff in order to get approval. After

some discussion a motion to approve as is was made by Vice Chair Glynn and received a second by Board Member Castellanos. All voted in favor.

**D. Request of the owner of property located at 9449 Collins Avenue  
The applicant is requesting to install a permanent sign.**

Town Planner Sarah Sinatra presented the item and staff is recommending approval

A motion to approve was made by Vice Chair Glynn and received a second by Board Member Castellanos. All voted in favor.

**6. DISCUSSION ITEMS:**

**A. MASSING**

Town Planner Sarah Sinatra presented the item. After some discussion about building masses, breezeways, and losing the direct view of beach and water from road, the Board requested more information on the petal status and more graphics.

**7. PERMITS ISSUED AND REVENUE REPORT FOR AUGUST 2013.**

Chief Building Official Rosendo Prieto spoke. Vice Chair Glynn expressed concerns regarding the amount of construction in process and the stress it is putting on traffic in the area. Mayor Dietch indicated the city has been working with DOT as well as police to try to alleviate some of the problems. Vice Chair Glynn suggested some of the construction such as pouring of cement (which closes up one lane) can be done at times other than rush hours or in the evening hours. Commissioner Joseph Graubart spoke about the seven or eight construction projects going on at this time and suggested we look for options regarding future construction and traffic issues.

Vice Chair Glynn requested that the next scheduled meeting of October 24 be changed to October 23 as he will be out of town. All were in agreement and the meeting is rescheduled for Wednesday, October 23.

**FUTURE AGENDA ITEMS**

Green Alleys

H 40 District

Separate Landscaping permit concept

Height in the H 120 District

Streetscape Tree Canopy

**8. ADJOURNMENT.**

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:10 p.m.

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2013

Attest:

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

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



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PLANNING AND ZONING BOARD  
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Streetscape Tree Canopy

**8. ADJOURNMENT.**

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:10 p.m.

Accepted this \_\_\_\_ day of \_\_\_\_\_, 2013

Attest:

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

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



## MEMORANDUM

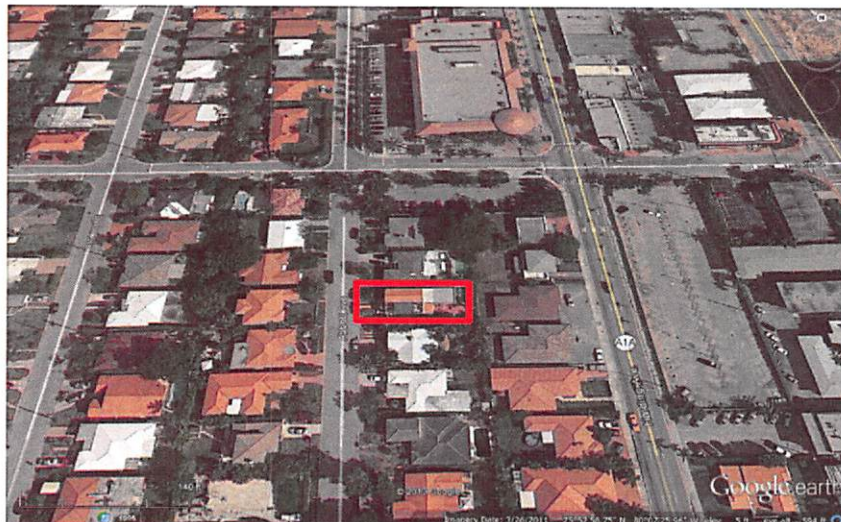
To: Planning and Zoning Board  
Thru: Michael Crotty, Town Manager  
From: Sarah Sinatra Gould, AICP, Town Planner  
CC: Linda Miller, Town Attorney  
Date: October 23, 2013  
Re: 9365 Abbott Avenue – Closet Addition

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The property located at 9365 Abbott Avenue is within the H30B zoning district. The applicant is requesting to add a closet on the interior of the second floor of their single family home, which will extend into the second story porch.

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
- Applicable Design Guidelines standards, along with the results of the review
- Staff Recommendation





**STANDARDS / RESULTS**

**Town of Surfside Zoning Code, Applicable Requirements**

***Sec. 90.43 Maximum building heights***

Height	Required Maximum	Proposed
H30B	30 feet	No changes proposed to height.

***Sec. 90.45 Setback***

<b><i>H30A UPPER STORY IS less than 50% of the FIRST FLOOR AREA</i></b>	<b><i>Required</i></b>	<b><i>Proposed</i></b>
<b>FIRST STORY</b>		
Primary Frontage	Minimum 20 feet	22 feet
Interior side	Minimum 5 feet	5 feet
Rear	Minimum 20 feet	20 feet
<b>UPPER STORY</b>		
Primary frontage	Minimum 20 feet	22 Feet
Interior side	Minimum 5 feet	Minimum 5 feet
Rear	Minimum 20 feet	20 feet

**Sec. 90.50.1 Architecture and roof decks**

	<b>Required</b>	<b>Proposed</b>
Wall openings	10% for all elevations	All elevations have 10% wall openings.
Roof Material	(a) Clay tile; (b) White concrete tile; (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 if granted approval by the Design Review Board; or (e) Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.	New Low Slope Roof

**Town of Surfside Adopted Residential Design Guidelines*****Transparency and Void Requirements***

<b>Required</b>	<b>Proposed</b>
All elevations should provide for a minimum of 10% wall openings.	Minimum 10% wall openings provided.
New windows should be placed to avoid direct views into existing neighboring windows.	New windows are not proposed.

***Wall Materials and Finishes***

<b>Required</b>	<b>Proposed</b>
The same material should be used on all building elevations unless multiple materials are a legitimate expression of the particular style.	Painted stucco.

***Roof Materials, Types, and Slopes***

<b>Required</b>	<b>Proposed</b>
Roof types and slopes should be generally the same over all parts of a single building.	The roof connection to the existing wall will occur below an existing gutter, which will result in a lower sloping roof.
Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to: 1. Clay tile; 2. White concrete tile; 3. Solid color cement tile which color is impregnated with the same color intensity	The roof connection to the existing wall will occur below an existing gutter, which will result in a lower sloping roof, which will not permit tile.

throughout, provided said color is first approved by the Planning and Zoning board; and 4. Metal.	
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**Recommendation**

Staff recommends approval.





## MEMORANDUM

To: Planning and Zoning Board  
Thru: Michael Crotty, Town Manager  
From: Sarah Sinatra Gould, AICP, Town Planner  
CC: Linda Miller, Town Attorney  
Date: October 23, 2013  
Re: 9525/9537 Harding Avenue – Storefront Renovation

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The property is located at 9525/9537 Harding Avenue, within the SD-B40 zoning district. The applicant is requesting to renovate the front of the store. The proposed plan will remove existing aluminum doors and replace the storefront and doors with new aluminum/glass with a silver finish.

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 Storefront**



**Proposed Storefront**





**STANDARDS / RESULTS**

**Town of Surfside Zoning Code, Applicable Requirements**

**Sec. 90-49.3**

Regulated Uses	Permitted	Proposed
<p><b>Materials and finishes</b></p>	<p>1) The surface shall be stucco, stone, metal, glass block and accent wood. Materials vernacular or characteristic to other regions including but not limited to flagstone and adobe shall be prohibited.</p> <p>2) Materials shall be true and genuine, rather than simulated. Multiple storefronts within a larger building shall have consistent material qualities and articulation.</p>	<p>1) Front: The façade will be renovated with an aluminum/glass finish.</p> <p>3) Materials are true and genuine. Materials are consistent with neighboring stores.</p>

**RECOMENDATION**

Staff recommends approval of the application with the following conditions:

- 1) Applicant shall submit sign and awning permit applications for Planning and Zoning Board review and approval.



## Town of Surfside Planning and Zoning Communication

**Agenda Date:** October 23, 2013  
**Subject:** Capital Improvement Element Update  
**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** Florida Statutes require municipalities to update their Capital Improvement Element on an annual basis. In particular, the Schedule of Capital Improvements (SCI) within the Capital Improvement Element must be updated to show projects needed to maintain Comprehensive Plan level of service standards.

**Analysis:** Chapter 163 of the Florida Statutes requires each Comprehensive Plan to include a Schedule of Capital Improvements in the Capital Improvements Element. The Schedule of Capital Improvements (SCI) of the Capital Improvements Element is a subset of the Town's Capital Improvement Plan (CIP). The Capital Improvements Element includes projects which are necessary to ensure that adopted level of service standards provided in the Comprehensive Plan are achieved and maintained for a five year period. Level of service standards in the Comprehensive Plan include standards for stormwater, water, wastewater, transportation, schools, and parks. Therefore, the projects included in the Capital Improvements Element will be specific to the Comprehensive Plan level of service standards and will not include some projects in the Capital Improvement Plan such as the Downtown Harding Avenue Streetscape improvements, the vehicle replacement program and the Tennis Center renovations.

The Capital Improvements Element must also include transportation improvements included in the applicable state funded projects such as Florida Department of Transportation and Miami-Dade Metropolitan Planning Organization's (MPO) transportation improvement program if such improvements are relied upon to ensure concurrency. Both "Level of

Service” and “Concurrency” are methods of measuring the availability and timing for installation of infrastructure that ensures new development has adequate services to handle site impacts.

New to the Schedule of Capital Improvements is the creation of a dog park at 93<sup>rd</sup> Street and Byron Avenue in Table 9-10C. Landscaping, fencing and equipment will be added to an existing Town property, which is also currently being utilized as a pump station, to create the new park. The utilization of a portion of this property to a dog park will increase the Town’s overall park space by 0.11 acres and improves the overall park level of service.

The following table highlights the different projects in the Capital Improvement Plan and the Capital Improvements Element:

<i>Project Name</i>	<i>Included in Capital Improvement Plan</i>	<i>Included in the Capital Improvements Element</i>
Downtown Harding Avenue Streetscape Improvements	Yes	No
95 <sup>th</sup> Street End Project	Yes	No
Vehicle Replacement Program	Yes	No
Wastewater System Rehabilitation Program	Yes	Yes
Seawall Rehabilitation	Yes	No
SR922/96 <sup>th</sup> Street Resurfacing	No	Yes
Dog Park	Yes	Yes
Street End Landscaping (Residential)	Yes	No
Tennis Center Renovations	Yes	No
Miami-Dade Public Schools Five-Year Facilities Work Program	No	Yes

**Staff Recommendation:** The Town Commission approved the annual update of the Capital Improvement Element on first reading at their October 8, 2013 meeting. Staff recommends that the Planning and Zoning Board recommend approval to the Town Commission.



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Sarah Sinatra Gould, AICP, Town Planner

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Michael Crotty, Town Manager

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, ADOPTING THE 2013 ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND CONFLICT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in 2005, the Florida Legislature passed Senate Bill 360, which required, in part, that local governments annually update the Capital Improvements Element contained in their Comprehensive Plans in order to ensure that the required level of service standard for the public facilities listed in Section 163.3180, Florida Statutes is achieved and maintained over the planning period; and

**WHEREAS**, pursuant to Section 163.3177, Florida Statutes, all local governments are required to adopt this update annually; and

**WHEREAS**, the Town Commission held its first public hearing on October 8, 2013; and

**WHEREAS**, the Town of Surfside Planning and Zoning Board, as the local planning agency for the Town of Surfside ("Town"), recommended approval of the proposed amendments to the 2013 Capital Improvements Element of the Town of Surfside Comprehensive Plan ("Comprehensive Plan") on October 23, 2013; and

**WHEREAS**, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on November 8, 2013.

**WHEREAS**, after having received input and participation by interested members of the public and staff, and having considered the recommendation of the Town of Surfside Planning and Zoning Board and staff, the Town Commission found the proposed update to the 2013 Capital Improvements Element to be consistent with the Comprehensive Plan; and

**WHEREAS**, the Town Commission has conducted a first and second reading of the proposed ordinance at duly noticed public hearings as required by law and further finds the proposed changes to the Capital Improvements Element of the Comprehensive Plan necessary and in the best interest of the Town.

**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. Adoption of the Annual Update to the Capital Improvements Element.**

The Town Commission hereby adopts the annual update to the 2013 Capital Improvements Element contained in the Town of Surfside Comprehensive Plan, which is attached as Exhibit "A."

**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 Comprehensive Plan in conflict herewith are intended to be repealed to the extent of such conflict.

**Section 5. Inclusion in the Comprehensive Plan.** 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 Comprehensive Plan, 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 immediately upon passage by the Town Commission on second reading, except that the effective date of the Plan Amendment approved by this Ordinance shall be the date a final order is issued by the State Land Planning Agency or Administration Commission finding the Plan Amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The State Land Planning Agency or Administration Commission's notice of intent to find the Plan Amendment in compliance shall be deemed to be a final order if no timely petition challenging the Plan Amendment is filed.

**PASSED and ADOPTED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2013.


**PASSED and ADOPTED** on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

**Attest:**

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

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

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

On Final Reading Moved by: \_\_\_\_\_

On Final Reading Seconded by: \_\_\_\_\_

**Vote:**

Commissioner Kligman	yes	_____	no	_____
Commissioner Graubart	yes	_____	no	_____
Commissioner Olchyk	yes	_____	no	_____
Vice Mayor Karukin	yes	_____	no	_____
Mayor Dietch	yes	_____	no	_____

**ORDINANCE NO. 13-\_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1.B. "CONSTRUCTION FENCING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PERMIT CONSTRUCTION FENCING MATERIALS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission recognizes the need for appropriate construction fencing materials to secure and maintain a construction site during demolition and construction; and

**WHEREAS**, the current Town Code does not allow for the full spectrum of construction fences in use today; and

**WHEREAS**, the Town Code specifically allows only chain link and canvas covered fences for construction; and

**WHEREAS**, other types of fences may provide better representation of the construction project in its ability to provide a media for graphics and solid materials; and

**WHEREAS**, the Town Commission shall have conducted a first duly noticed public hearing on these regulations as required by law on October 8, 2013; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, shall conduct a hearing on the proposed amendment on October 23, 2013 with due public notice and input; and

**WHEREAS**, the Town Commission shall have conducted a duly noticed second public hearing on these regulations as required by law on November 12, 2013.

**WHEREAS**, it is in the best interest of the Town to adopt the proposed revisions to the Code.

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

**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.** The code of the Town of Surfside, Florida is hereby amended as follows:

**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.

(a) *Permit required.* A permit application and a current survey of the site.

(b) *Permitted fence.* ~~Subject to the approval of the building and zoning departments, chain link fence with canvas (or similar material) are the only type of fence that is permitted.~~ Construction fences shall be designed in such a manner as to have all exposed materials finished, coated, covered or clad in or with materials such as paint, windscreens, canvases or similar materials, subject to the approval of the Town Manager or designee.

~~(1) Chain link fences with canvas (or similar material backing) are permitted subject to approval of the building and zoning departments. The property owner or agent shall obtain a demolition permit from the building department. The chain link fence shall be permitted to be utilized as a demolition fence for a period of no longer than two months or until expiration of the demolition permit, whichever occurs first. However, such demolition fence shall not be removed until the installation of a permitted construction fence, as defined in this section.~~

~~(2)~~(1) The permitted construction fence shall be installed immediately upon removal of the temporary demolition fence. At no time shall the parcel remain without a protective barrier.

**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 \_\_\_\_\_, 2013.

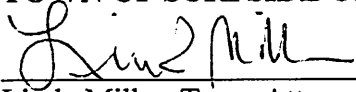
PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
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: \_\_\_\_\_

Vote:

Commissioner Joseph Graubart	yes _____	no _____
Commissioner Michelle Kligman	yes _____	no _____
Commissioner Marta Olchyk	yes _____	no _____
Vice Mayor Michael Karukin	yes _____	no _____
Mayor Daniel Dietch	yes _____	no _____

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



## Town of Surfside Planning and Zoning Board Communication

**Agenda Date:** October 23, 2013

**Subject:** Wall Frontage and Side Setbacks in H120 District

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

**Background:** At the April 3, 2013 Planning and Zoning Board meeting, staff presented a discussion item of a number of topics regarding building massing related to new construction. One of the topics was the maximum wall frontage of buildings.

Section 90-51 was amended in December 2012 to provide a maximum frontage requirement. The section states that continuous wall frontage shall be not exceed 270 feet and articulated as follows:

.....(3) *H120:* For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal.

Staff has been requested to develop options that will reduce the maximum building frontage or provide for greater change in wall plane.

### **August 29, 2013 Planning and Zoning Board Meeting:**

At the August Planning and Zoning Board meeting, the Board was presented three options either for breaks or articulations in the building façade. The board indicated they would prefer breaks in the façade. Below are the two options for the façade breaks that the Board preferred:

*Option A: For every 150 feet in building frontage there shall be a minimum building separation of 30 feet for the entire depth of the property. Where two or more buildings are provided, each building shall be set back an additional 30 feet from the front plane of any building within the same property.*

*Option B: For every 150 feet in building frontage there shall be a minimum building separation of 30 feet for the entire depth of the property. Where two*

*or more buildings are provided, each building shall be set back an additional 66 feet from the front plane of any building within the same property.*

In addition to the breaks in the façade, the Board also indicated they would like to evaluate the setback requirement for buildings over 30 feet in height and establish the side setbacks for properties in the H120 district to 10% of the lot width per side. The current minimum side setback is 10 feet except when a building exceeds a height of 30 feet, the width of each side yard shall be increased by one foot for every three feet of building height above 30 feet, to a maximum of 20 feet. The smallest lot width in the H120 district is 100 feet therefore a 10% side setback would be the same as the current code. However, in the case of lot aggregation, the side setback would be greater and in proportion to the lot width.

### **October 2, 2013 Planning and Zoning Board Meeting:**

At the last Planning and Zoning Board meeting, the Board discussed having an option of either a 40 foot high pedestal not more than 270 feet in length with building above the pedestal not to exceed 150 feet in length, or buildings no more than 150 feet in length with 30 foot wide building separations.

### **Attachments**

- Attachment #1 is proposed text for an ordinance reflecting the above changes.
- Attachment #2 provides a graphic example of the two options above.
- Attachment #3 is an excerpt from the 1989 Comprehensive Plan demonstrating the pedestal concept. Although it was previously envisioned for the block between Collins Avenue and Harding Avenue, today's vision would be for implementation of this concept on the east side of Collins Avenue.

### **Recommendation:**

- 1) Staff recommends the Planning and Zoning Board direct staff to prepare an ordinance providing two options for development in the H120 district and require 10% side setbacks.




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Sarah Sinatra Gould, AICP, Town Planner

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Michael Crotty, Town Manager

## Attachment #1

### **Sec. 90-51. Maximum frontage of buildings.**

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

- (1) *H30C*: For every 50 feet, a minimum three-foot change in wall plane.
- (2) *H40*: For every seventy-five (75) feet, a minimum six-foot change in wall plane.
- (3) ~~*H120*: For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal.~~
- (3) For *H120* see section 90-51-2
- (43) Structured parking garages: see section 90-49.4

90-51.2 In the H120 district continuous wall frontage shall be provided as the following:

(1) For every 100 feet there shall be a minimum six-foot change in wall planes. The change shall be either vertical or horizontal.

(2) Development in the H120 district shall choose one of the following options:

(a) Continuous wall frontage shall not exceed 150 feet length. There shall be a minimum building separation of 30 feet for the entire depth of the property. Where two or more buildings are provided, there shall be a minimum building separation of 30 feet for the entire depth of the property and each building shall be setback an additional 30 feet from the front plane of any building within the same property; or

(b) Continuous wall frontage shall not exceed 270 feet in length. Buildings shall not exceed 40 feet in height for 270 feet in building frontage. The portion of the building above 40 feet in height shall be limited to 150 feet in building frontage and there shall be a minimum building separation of 30 feet for the entire depth of the property.



## 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.

H120	Minimum Setback (Feet)
Primary frontage	40 FT
Interior side	<del>40 FT</del> <u>10% of the property frontage or 10 feet, whichever is greater</u>
Rear	30 FT
Secondary frontage (Corner only)	<del>20 FT</del> <u>10% of the property frontage or 20 feet, whichever is greater</u>

## Sec. 90-48. Modification of side and rear yard regulations.

90-48.1 The minimum width of side setbacks for libraries, places of public assembly, recreational centers and other public, semipublic and civic buildings shall be a minimum of 15 feet, except when located within the community facilities district shall comply with subsection 90.45(a).

90-48.2 In all districts other than the H120 districts, the required side setbacks for corner lots adjoining canals or waterway shall comply with the secondary frontage setback requirements for that frontage.

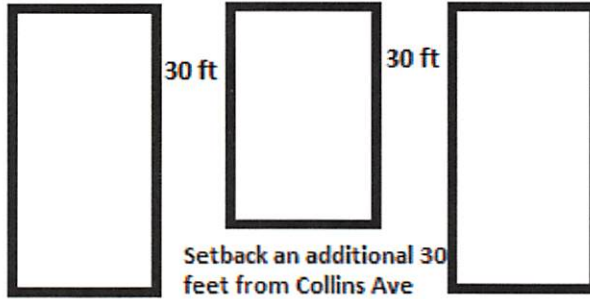
90-48.3 In the H30A district, no building shall be erected within 25 feet of the seawall on Point Lake nor within 50 feet of the sea wall on Biscayne Bay or on any lots in Blocks 26, 28 and 28A of the Normandy Beach Subdivision, Second Amended.

90-48.4 Where a lot abuts an alley, the depth of the rear yard shall be seven feet.

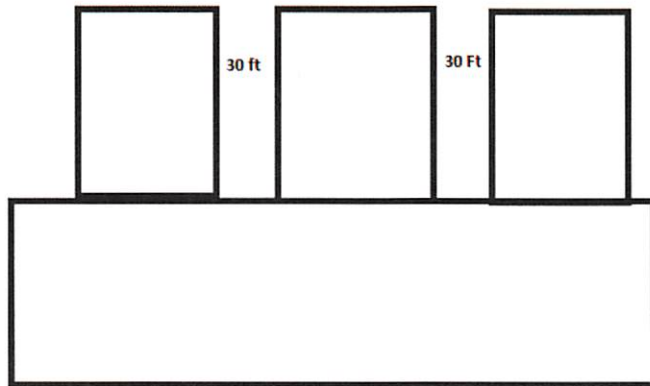
90-48.5 In the H120 district, when a building exceeds a height of ~~30~~ 40 feet, the width of each side yard shall be increased by one foot for every three feet of building height above ~~30~~ 40 feet or a ground level setback equivalent to one foot for every three feet of building height above 40 feet may be provided, provided however, on a corner lot the minimum width of the side yard adjoining a street need not exceed 20 feet.

**Attachment #2**

Continuous wall frontage shall not exceed 150 feet length. There shall be a minimum building separation of 30 feet for the entire depth of the property. Where two or more buildings are provided, there shall be a minimum building separation of 30 feet for the entire depth of the property and each building shall be setback an additional 30 feet from the front plane of any building within the same property.



OR



Continuous wall frontage shall not exceed 270 feet in length. Buildings shall not exceed 40 feet in height for 270 feet in building frontage. The portion of the building above 40 feet in height shall be limited to 150 feet in building frontage and there shall be a minimum building separation of 30 feet for the entire depth of the property.

Table LU - 7

## TOWN OF SURFSIDE

## ZONING ANALYSIS - PROPOSED FUTURE LAND USE PLAN

<u>LAND USE CATEGORY</u>	TOTAL SF/ LOTS AVAL	PROPOSED DENSITY	TOTAL UNITS NEW DEVEL.	EXIST UNITS	Increased NO.OF UNITS
<b>RESIDENTIAL</b>					
Low Density	30 Lots	1Unit/Lot	30 Units		30
Moderate Density	70,800	1/2000	35	32	3
Moderate-High Density	654,000	1/550	1189	359	830
High Density/Tourist Sites Which May Be Redeveloped	257,500 453,375	1/400 1/400	643(478)* 1133	130 71	348 1062
<b>COMMERCIAL</b>					
General Retail/Srvc Office/Apartment	165,225	1/700	220	166	54
TOTAL POTENTIAL ADDITIONAL UNITS					2327

Note: A total of 643 dwelling units could be developed on these parcels, however, as currently proposed only 478 units are to be built.

Source: Land Use and Zoning Analysis, Monte S. Lee, Architect/Planner



It is envisioned that future development within this area will encourage the assemblage of several lots, preferably creating parcels which extend from Collins to Harding. Development on these parcels would take place only after the issuance of a special permit by the Town Commission. Minimum lot width would be 150 feet and the zoning parameters for this area would encourage mixed height development.

In an effort to minimize the impact of new development on the single-family areas west of Harding Avenue, no structure adjacent to Harding Avenue is to be more than 30 feet in height. Structures up to 100 feet in height would be permitted in these new developments, however such structures would have to be set back at least 100 feet from Harding Avenue.

Furthermore, so as to prevent highrise buildings in this area from being strung along in a wall like fashion along Collins Avenue, setback requirements and lot coverage maximums will force future development into a pattern of development similar to that illustrated in Figures LU-6. While the required setback advocated for new highrise buildings on the west side of Collins will be the same 25 feet as that required for buildings across the street, minimum side setbacks will be 75 feet from the north property line and 20 feet from the south property line. This will assure that the minimum distance between buildings on two adjacent properties will be at least 95 feet. This compares to a minimum distance of 67 feet between two 100 feet high buildings developed on the east side of Collins under current setback requirements. The proposed minimum 75 feet setback from the north property line will also aid in minimizing the shading impact which such taller structures could have on neighboring properties.

Also proposed are strict lot coverage requirements for any structures over 30 feet in height. While no maximum lot coverage requirements exist with regard to properties on the east side of Collins, new buildings constructed on the west side, which are to be over 30 feet in height, will be limited to a maximum lot coverage of 15 percent.

As further illustrated in Figure LU-7, a property developed under these parameters could provide low-rise town houses along Harding Avenue and a high-rise tower adjacent to Collins Avenue which could provide long range vistas to both the Atlantic Ocean and Biscayne Bay. As shown, such development would take place over a well landscaped first story parking area.

In addition, by providing encouragement for new large scale development one can minimize the number of future driveways exiting on to heavily traveled Collins and Harding Avenues.

It must also be noted that, as proposed, this area would be utilized exclusively for residential development. Hotel and motel development currently existing within this area would not be permitted.

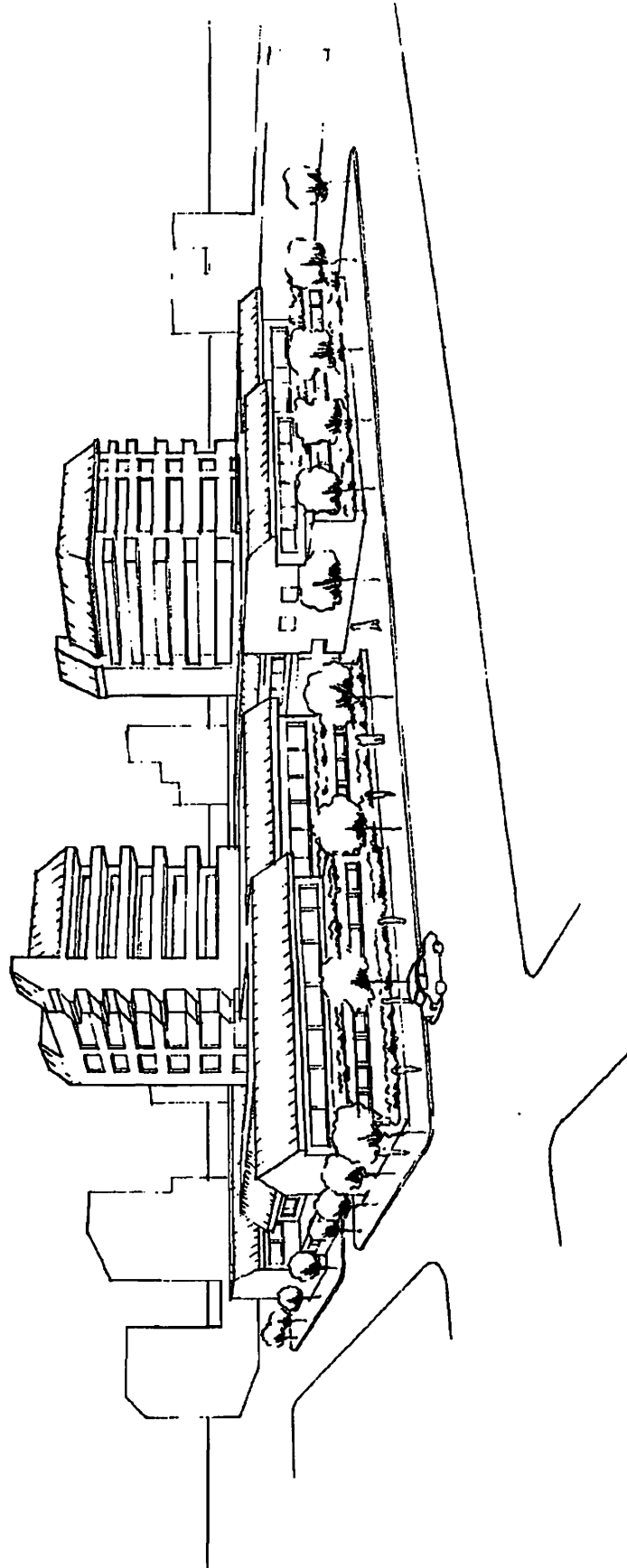
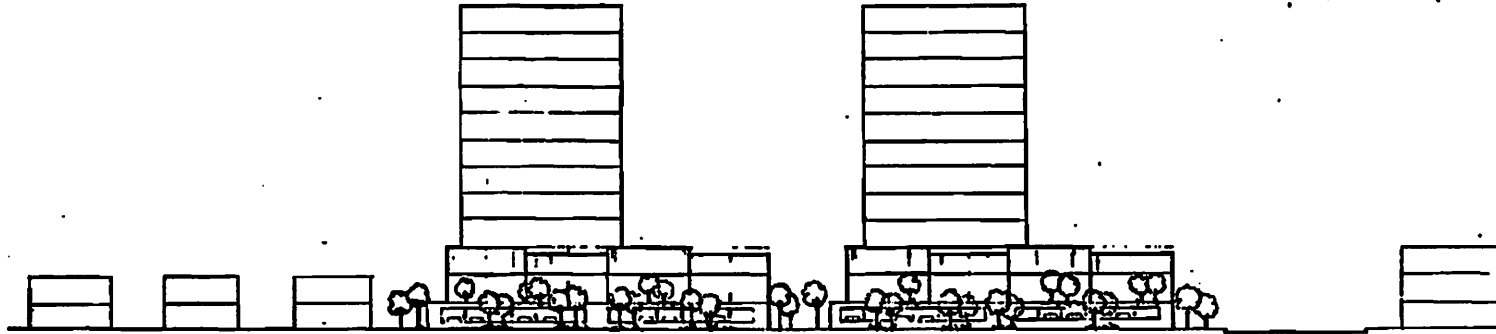


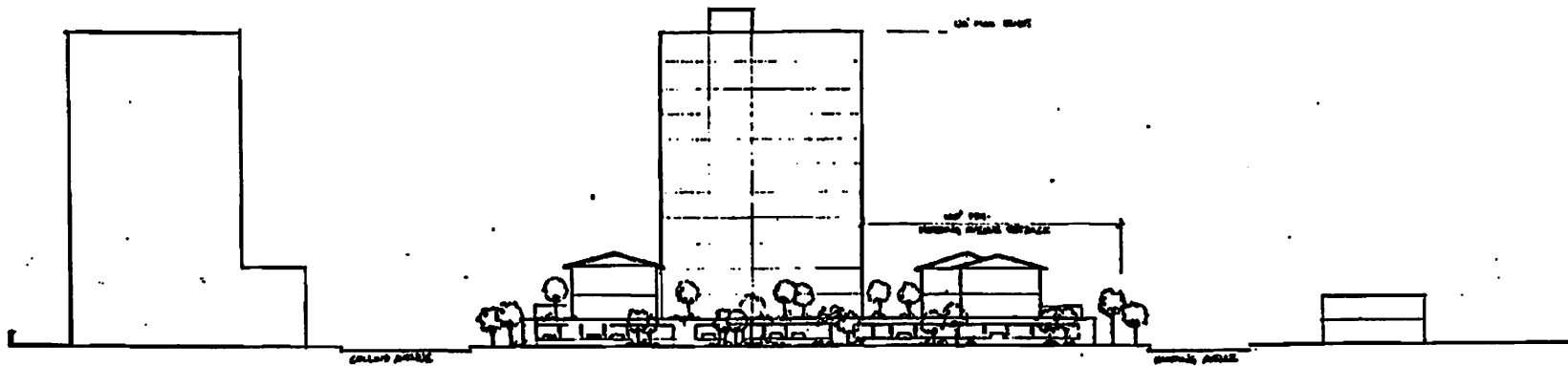
FIG. LU-6

AERIAL VIEW OF PROPOSED COLLINS AVENUE DEVELOPMENT



VIEW LOOKING WEST ALONG COLLINS AVENUE

Page 22



SECTION THROUGH STRUCTURES LOOKING SOUTH

FIG. LU-7

### High Density / Tourist - (up to 109 units / acre)

This category includes all of the privately owned land east of Collins Avenue. At the present time development of five of these properties is moving ahead as described previously. In addition a sixth site was cleared several years ago and is standing ready to be developed.

While this area is to be the primary site of any new tourist facilities, based upon recent years experiences, future development within this area will most likely take the form of condominiums and apartments. As indicated in Table LU-7, future redevelopment of the non condominium or co-op properties within this area on which the structures are over 30 years old could increase the Town's housing stock by as many as 1062 units.

### COMMERCIAL USES:

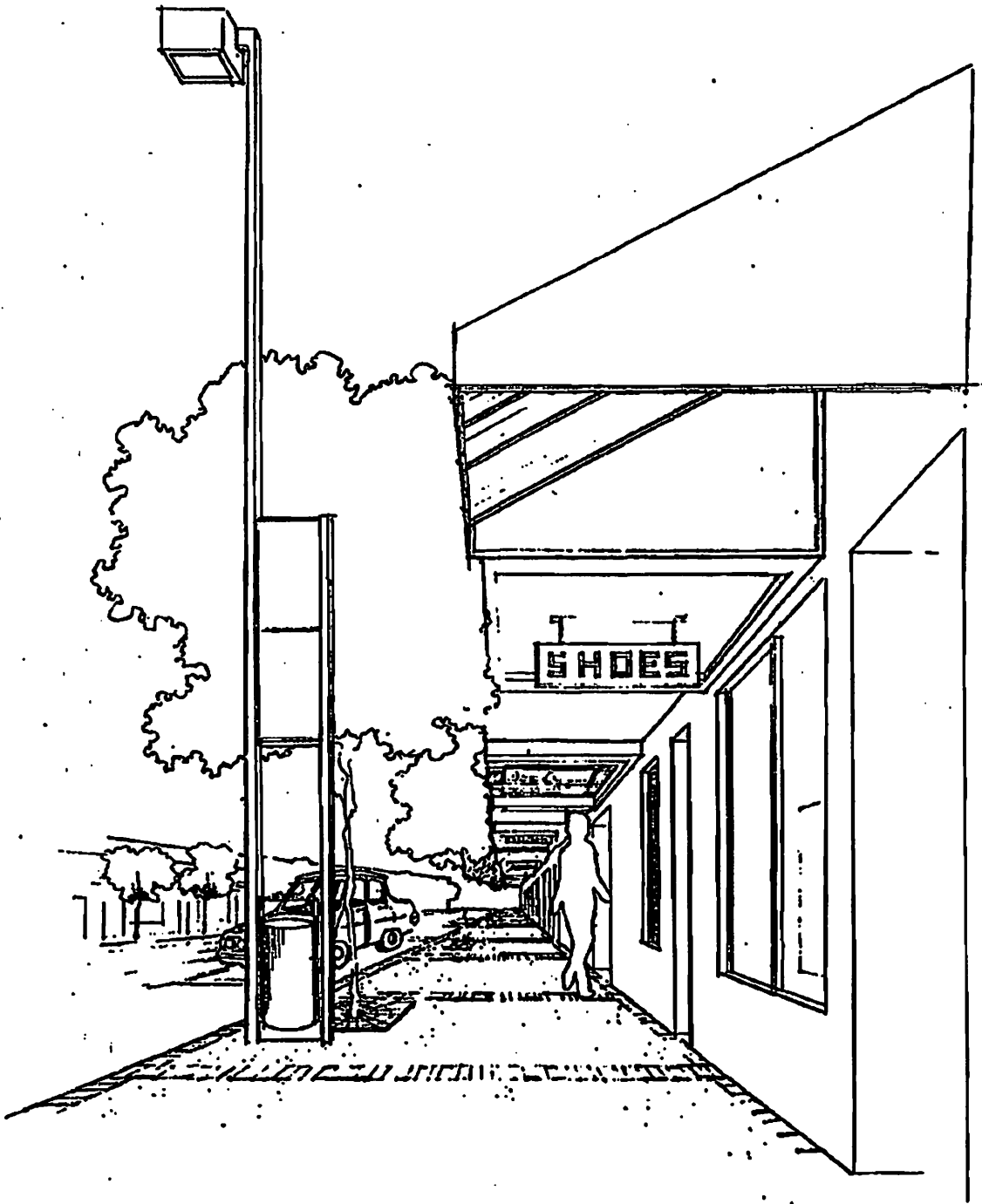
#### General Retail / Service

This area encompasses the existing Harding Avenue Business Area which stretches from 94th to 96th Streets. In line with the Harding Avenue / Collins Avenue Planning Study undertaken in 1986, the Town Commission has implemented several recommendations to date which should contribute to enhancing this important area of the Town. Actions taken to date include, the reconstruction of the Abbott Avenue Parking Lot which provided an additional 40 parking spaces for the business area and an attractive renovation of the area's main parking area. In addition, the Town Commission amended the Town's zoning regulation in December of 1987 to require that new development in the area address the need for parking.

While these actions represent a significant beginning for improving this area, several additional actions are advocated as part of this land use element. Of considerable importance is the need to undertake a street improvement program for the area. As currently proposed, parking would be maintained on both sides of Harding Avenue. However, it is recommended that the existing 9'-6" wide sidewalks be widened to 12 feet. To accommodate this, it is suggested that the existing four 9 feet wide vehicle lanes be modified to three 11 feet wide lanes.

As shown in Figure LU-8, new landscaping is to be primarily provided by street trees and tree grates so as to provide the widest expanse of sidewalk possible. In addition, while it is proposed that the existing low level landscaping areas at the street ends and at the mid-block pedestrian crossing be retained and re-landscaped, it is strongly recommended that the other 6 inch high planters which currently exist elsewhere along Harding Avenue be removed.

Figure LU-8 also illustrates proposed recommendations for establishing a unified awning/canopy program whereby each store owner would be required to construct an awning or canopy to provide protection from the sun and inclement weather along a fixed canopy line 8 feet from the front property line and 8 feet above the curb. In line with this proposal all new street trees are to be located at least 9 feet from the front property line. In addition, this sketch also illustrates suggestions for new trash containers, as an integral element of new street lighting standards and the provision of pedestrian oriented signage under the proposed awning/canopy line.

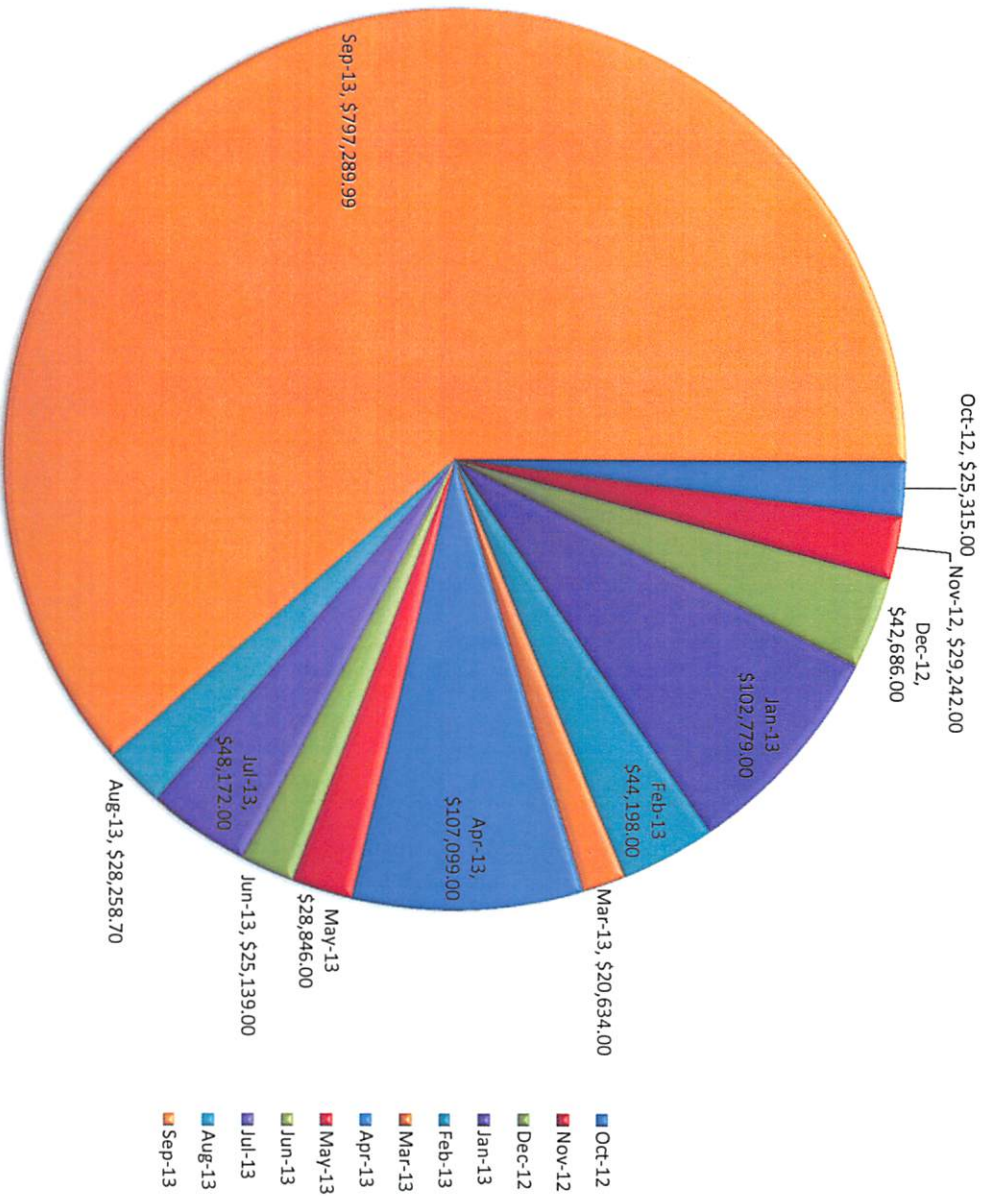


HARDING AVENUE LOOKING NORTH

FIG. LU-8

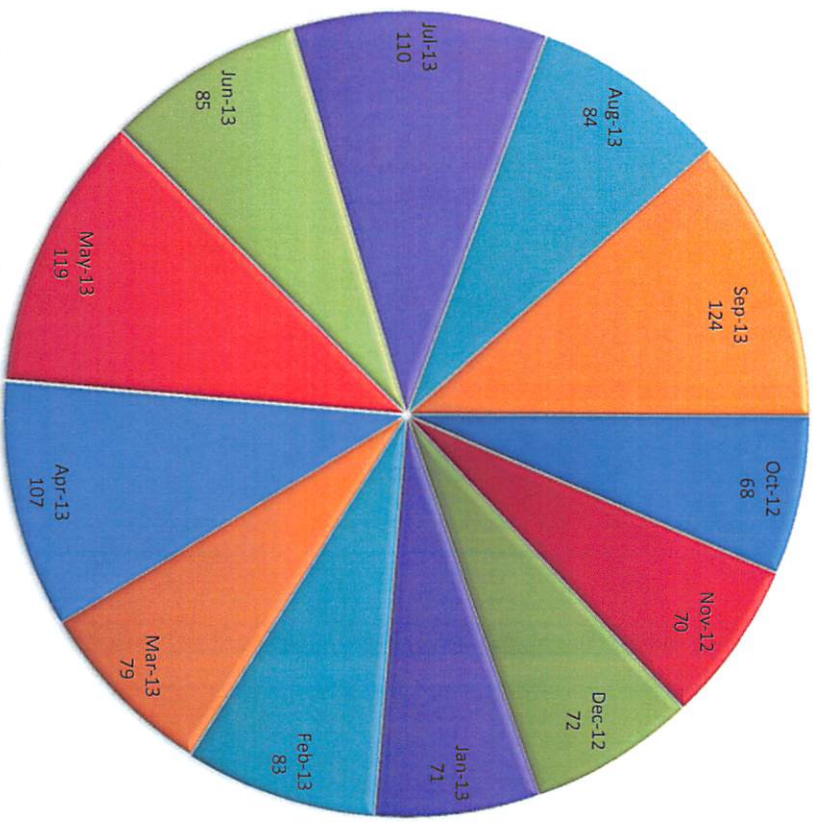
# Permits and Revenue Report

## Monthly Permit Revenues



# Permits and Revenue Report

## Permits Issued



- Oct-12
- Nov-12
- Dec-12
- Jan-13
- Feb-13
- Mar-13
- Apr-13
- May-13
- Jun-13
- Jul-13
- Aug-13
- Sep-13