



**Town of Surfside
PLANNING & ZONING BOARD
AGENDA**

September 27, 2018 – 6:00 p.m.

Town Hall Commission Chambers –
9293 Harding Ave, 2nd Floor, Surfside, FL 33154

Rule 7.05 Decorum. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the commission shall be barred from further appearance before the commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the commission members present. No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. Signs or placards may be disallowed in the commission chamber by the presiding officer. Persons exiting the commission chambers shall do so quietly.

Any person who received compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the Town Clerk prior to engaging in lobbying activities per Town Code Sec. 2-235. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and any person who only appears as a representative of a neighborhood, homeowners or condominium association without compensation for the appearance, whether direct or indirect or contingent, to express support of or opposition to any item.

Per Miami Dade County Fire Marshal, the Commission Chambers has a maximum capacity of 99 people. Once reached this capacity, people will be asked to watch the meeting from the first floor.

1. Call to Order/Roll Call

2. Town Commission Liaison Report – Vice Mayor Gielchinsky

3. Approval of August 30, 2018 Design Review Board and Planning and Zoning Board Meeting Minutes

4. Applications:

- A. 9415 Harding Avenue** – The applicant is proposing façade improvements which include new windows and doors and new metal awnings.

5. Local Planning Agency Items:

- A. Modifications to Building Length Requirements to Permit Redevelopment of Existing Structures Destroyed by Acts of God**

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-51 "MAXIMUM FRONTAGE OF BUILDINGS AND FACADE ARTICULATIONS." OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADDRESS APPLICABILITY OF MAXIMUM BUILDING LENGTH REQUIREMENTS FOR EXISTING BUILDINGS IN THE H30C AND H40 ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Aggregation of Single Family Lots

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-45 “SETBACKS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE SETBACKS AND MAXIMUM SECOND STORY FLOOR AREAS FOR CERTAIN LOTS IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

C. Municipal Zoning Equivalencies

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, “ZONING,” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CHANGE THE LIST OF PERMITTED USES IN THE MU AND CF ZONING DISTRICTS, CREATE A NEW MU(30) ZONING DISTRICT PROVIDING THE SAME DENSITY, HEIGHT AND AN EQUIVALENT INTENSITY AS THE H30C ZONING DISTRICT, TO PROVIDE DEVELOPMENT DENSITY AND INTENSITY EQUIVALENCY DATA FOR MUNICIPAL PROPERTIES, AND TO EXEMPT MUNICIPAL PROPERTY FROM THE LAND DEVELOPMENT REGULATIONS WHILE MAINTAINING EXISTING DENSITY, INTENSITY AND HEIGHT RESTRICTIONS FOR THOSE MUNICIPAL PROPERTIES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

D. Municipal Comprehensive Plan Equivalencies

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN’S COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TO ADDRESS USE OF MUNICIPALLY OWNED PROPERTY AND PROVIDE DENSITY AND INTENSITY EQUIVALENCIES FOR MUNICIPALLY OWNED PROPERTY; AUTHORIZING TRANSMITTAL; PROVIDING FOR SEVERABILITY; CONFLICTS; AND FOR AN EFFECTIVE DATE.

6. Discussion Items:

- A. Fences and Hedges in the Front and Street Side**
- B. Increased Pervious Area for Single Family Lots**
- C. Requiring Landscape Plans for Single Family**
- D. Sidewalk Aesthetics and Uses of West Side of Collins**
- E. Future Agenda Items**

7. Adjournment

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS THAT ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-861-4863 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. A COMPLETE AGENDA PACKET IS ALSO AVAILABLE ON THE TOWN WEBSITE AT www.townofsurfsidefl.gov.

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
DESIGN REVIEW BOARD/
PLANNING & ZONING BOARD
MEETING MINUTES**

August 30, 2018 – 6:00 p.m.

Town Hall Commission Chambers –
9293 Harding Ave, 2nd Floor, Surfside, FL 33154

DESIGN REVIEW BOARD

1. Call to Order/Roll Call

The meeting was called to order at 6:02 p.m. by Chair Lecour.

Recording Clerk Frantza Duval called the roll call with the following members present: Chair Lindsay Lecour, Vice Chair Judith Frankel, Board Member Peter Glynn, Board Member Rochel Kramer, Board Member Brian Roller and Board Member Jorge Garcia. Board Member Marina Gershanovich was absent.

2. Approval of Minutes: July 26, 2018

Board Member Glynn made a motion to approve the minutes. The motion was seconded by Vice Chair Frankel and all voted in favor.

3. Design Review Board Applications:

- A. 8958 Carlyle Avenue** - The applicant is requesting to renovate and add a rear addition to the existing house.

Town Planner Sinatra-Gould introduced the item.

The Board asked questions regarding the outdoor kitchen, the setback, colors and materials. They would like to include a condition to have a 5-foot setback for the outdoor kitchen.

Applicant David Carmona answered questions the board had regarding the colors and materials.

The Board considered the application request for a partial roof on the rear addition and approval subject to it meeting the Florida Building Code requirements for the flat roof.

By consensus, the Board agreed to include the colors and materials as well as the 5-foot setback for the outdoor kitchen as conditions for approval.

Board Member Glynn made a motion to approve with staff recommendations and Board conditions. The motion was seconded by Vice Chair Frankel and all voted in favor.

- B. 9124 Abbott Avenue** - The applicant is requesting to add a 904 square foot rear addition and front foyer to the existing house.

Town Planner Sinatra-Gould introduced the item.

Vice Chair Frankel made a motion to approve with staff recommendations. The motion was seconded by Board Member Glynn and all voted in favor.

- C. 8875 Froude Avenue** - The applicant is requesting to renovate a portion of an existing house and add a partial second floor addition to the rear of the house.

Town Planner Sinatra-Gould introduced the item. She stated that she met with the Building Official regarding the second floor and the flooding requirement and staff is recommending approval.

William Arthur, Architect on the project, showed renderings and explained the project.

The Board asked Mr. Arthur questions regarding the project.

Vice Chair Frankel made a motion to approve with staff recommendations. The motion was seconded by Board Member Garcia and all voted in favor.

- D. 9471 Harding Avenue** - The applicant is requesting one window sign for their business.

Town Planner Sinatra-Gould introduced the item.

Chair Lecour asked if this application was an after-the-fact and if the penalty was issued.

Town Planner Sinatra-Gould stated that there was a penalty for erecting a sign without a permit.

Vice Chair Frankel made a motion to approve with staff recommendations. The motion was seconded by Board Member Glynn and all voted in favor.

- E. 9008 Emerson Avenue** - The applicant is requesting to convert a portion of the garage to a laundry room, adding a new two car driveway, adding a terrace with an outdoor kitchen, renovating the façade and adding a 160 square foot rear addition to the existing house.

Town Planner Sinatra-Gould introduced the item.

Frederick Merle, representing the applicant, answered questions regarding the materials and colors.

Discussion ensued regarding landscaping and 2 parking spaces due to the garage not being usable any longer.

The Board considered the proposed material and colors for the addition.

Board Member Roller made a motion to approve with staff recommendations. The motion was seconded by Board Member Kramer and all voted in favor.

- F. 9565 Harding Avenue** - The applicant is requesting one (1) illuminated wall sign, one (1) door sign and I (one) projecting sign for the Blue B Properties business.

Town Planner Sinatra-Gould introduced the item and explained how the painting and the façade would be done.

Chair Lecour asked about the sign and the alignment of the sign and the façade so that the sign looks more uniform in height.

The applicant's wall face shall be reconditioned and painted as necessary and the sign must be raised so it's in line with the two neighbor's signs.

Board Member Roller made a motion to approve with staff recommendations and conditions. The motion was seconded by Board Member Kramer and all voted in favor.

4. Quasi-Judicial Application:

- A. 8995 Collins Avenue - Site Plan; Conditional Use for Hotel Pool and Alternative Parking System; Variances for Landscaping and Loading Space Size**

George Kousoulas, representing the applicant requested that this item be deferred to the September 27th meeting.

Board Member Glynn made a motion to approve the deferral to the September 27, 2018 Design Review Board meeting at 6:00 p.m. The motion was seconded by Board Member Garcia and all voted in favor.

5. Adjournment

There being no further business before the Design and Review Board a motion was made by Vice Chair Judith Frankel and seconded by Board Member Brian Roller to adjourn the meeting without objection at 6:25 p.m.

Accepted this _____ day of _____, 2018

Attest:

Chair Lindsay Lecour

Sandra Novoa, MMC
Town Clerk

PLANNING & ZONING BOARD

1. Call to Order/Roll Call

The meeting was called to order at 6:25 p.m. by Chair Lecour.

Recording Clerk Frantza Duval called the roll call with the following members present: Chair Lindsay Lecour, Vice Chair Judith Frankel, Board Member Peter Glynn, Board Member Brian Roller and Board Member Jorge Garcia.

2. Town Commission Liaison Report – Vice Mayor Daniel Gielchinsky

Vice Mayor Gielchinsky gave his Town Commission report to the Planning & Zoning Board.

3. Approval of Minutes: July 26, 2018

Board Member Glynn made a motion to approve the minutes. The motion was seconded by Board Member Roller and all voted in favor.

4. Quasi-Judicial Application:

A. 8995 Collins Avenue - Site Plan; Conditional Use for Hotel Pool and Alternative Parking System; Variances for Landscaping and Loading Space Size

Chair Lecour called Mr. George Kousoulas to make his request of deferring this item to the September 27th Planning & Zoning Board Meeting.

George Kousoulas, representing applicant requested a deferral of the item to the next Planning & Zoning Board meeting.

Board Member Glynn made a motion to approve the deferral to the September 27, 2018 Planning and Zoning Board meeting at 6:00 p.m. The motion was seconded by Board Member Garcia and all voted in favor.

5. Local Planning Agency Items:

A. Modifications to Planning and Zoning Board and Dissolving the Development Impact Committee

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ABOLISHING THE DESIGN REVIEW BOARD, MODIFYING THE PLANNING AND ZONING BOARD MEMBERSHIP AND RESPONSIBILITIES, ABOLISHING THE DEVELOPMENT IMPACT COMMITTEE, AND REVISING THE DESIGN REVIEW GROUP REVIEW REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sinatra-Gould introduced the item.

Board Member Glynn made a motion to recommend the ordinance to the Town Commission. The motion was seconded by Board Member Garcia and all voted in favor.

B. Modifications to Building Length Requirements to Permit Redevelopment of Existing Structures Destroyed by Acts of God

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-51 "MAXIMUM FRONTAGE OF BUILDINGS AND FACADE ARTICULATIONS." OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADDRESS APPLICABILITY OF MAXIMUM BUILDING LENGTH REQUIREMENTS FOR EXISTING BUILDINGS IN THE H30C AND H40 ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sinatra-Gould introduced the item.

Discussion continued amongst the Board, staff and Town Attorney regarding what would happen if a hurricane would occur, what would be allowed to be built back if the property gets destroyed and what the insurance would cover and pay.

The Board discussed their concerns with granting future variances and the building code and the changes buildings would need to make to conform to the code.

Town Manager Olmedillo provided some clarification on the ordinance.

Vice Mayor Gielchinsky explained the splitting up of the buildings and the rights that the individuals had previously. He gave the explanation of what occurred before the Town Commission.

Chair Lecour is requesting more information in order to decide.

The Board requested to defer this item to the next meeting on September 27, 2018 at 6:00 p.m.

Board Member Glynn made a motion to defer this item to the September 27, 2018 Planning and Zoning Board meeting at 6:00 p.m. The motion was seconded by Vice Chair Frankel and all voted in favor.

C. Aggregation of Single Family Lots

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-45 "SETBACKS" OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE SETBACKS AND MAXIMUM SECOND STORY FLOOR AREAS FOR CERTAIN LOTS IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Planner Sinatra-Gould introduced the item.

The Board asked questions regarding lots that are triangular and staff answered their questions and that they will include information regarding the midpoint of the lots for those irregular lots.

The Board requested to defer this item to the September 27, 2018 meeting at 6:00 p.m. to address the changes requested.

Board Member Glynn made a motion to defer the item to the September 27th Planning and Zoning Board meeting. The motion was seconded by Board Member Roller and all voted in favor.

6. Discussion Items:

A. Fences and Hedges in the Front and Street Side

Town Planner Sinatra-Gould introduced the item regarding the fence height and maximum capacity requirements. She also wanted to address the concerns the residents are having with the 4-foot height requirements.

Joshua Herman of 8975 Hawthorne Avenue, spoke regarding his own application for a 6-foot closed fence being denied and his concern that other applications were approved after his denial. He stated that the 6-foot fence is for privacy and it is concerning to have a 5-foot fence that a child can climb over.

Discussion continued regarding the hedges and fence heights and the difference between requirements on the different types and sizes of lots.

The Board and Town Planner Sinatra-Gould discussed the differences in applications. Town Planner Sinatra-Gould explained that most of them are ones that have either a corner lot or have a pool and the aesthetics.

Town Manager Olmedillo explained the lots and the hedges and fences.

The Board continued with discussion regarding wanting more hedges and more landscaping.

The Board directed Town Planner Sinatra-Gould to work on additional language for the next meeting on September 27, 2018.

B. Walkability (Verbal)

Town Manager Olmedillo introduced the item and explained the research FIU is doing. Once staff has completed writing the program and the urban design and walkability around the Town, staff will then go before the Board to provide a status report.

The University of Miami will assign the downtown area and look at the buildings and assign different areas to different students to produce virtual building designs and connections amongst those buildings.

Discussion ensued regarding the parking garage. Town Manager Olmedillo explained that there will be a meeting on September 26, 2018 in regards to the P3 proposal.

C. Future agenda items

Town Planner Sinatra-Gould mentioned items that have been deferred that will become future items to come before the Board.

Chair Lecour stated her frustration on some of the items being deferred because they did not have enough information on the item and have those last minutes deferrals.

Discussion ensued with regards to including more trees into the Town. The Board is asking to set aside \$50,000 a year to be placed in the budget for street trees for residents who volunteer to purchase trees and plant them.

Board Member Glynn made a motion to request \$50,000 to be placed in the budget for street trees every year and to look into grants for purchasing trees. The motion was seconded by Board Member Roller and all voted in favor.

Town Manager Olmedillo gave the Board an update on the meeting they had with FP&L and the undergrounding of powerlines.

7. Adjournment

There being no further business before the Planning & Zoning Board, Board Member Glynn made a motion to adjourn at 7:57 p.m. The motion was seconded by Board Member Roller and all voted in favor.

Accepted this _____ day of _____, 2018

Chair Lindsay Lecour

Attest:

Sandra Novoa, MMC
Town Clerk



MEMORANDUM

To: Design Review Board
Thru: Guillermo Olmedillo, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Kathy Mehaffey, Town Attorney
Date: September 27, 2018
Re: 9415 Harding Avenue – New Façade and Awnings

The property is located at 9415 Harding Avenue, within the SD-B40 zoning district. The current businesses include a cleaners and the Harbour Grill. The applicant is proposing façade improvements which include new windows and doors and new metal awnings.



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. 90-49.1 Entrances, windows and storefronts.

Permitted	Proposed
a. All building facades, including those facing alleyways, shall be rendered consistently with the overall architectural treatment of the building.	Consistent
b. Pedestrian entrances shall be easily recognizable and oriented towards the public right-of-way.	Consistent
c. Divided light window mullions, where provided, shall be through the pane.	Consistent
d. Exterior burglar bars, fixed "shutters" or similar security devices shall be prohibited.	Consistent
e. Window and storefront articulations shall utilize similar proportions as those within the surrounding context and shall be primarily oriented towards the public right-of-way.	Consistent
f. Multiple storefronts within a larger building shall have consistent materials and articulation and shall relate to the detailing of the entire building.	Consistent
g. The bottom edge of windows shall be no less than 24 inches above the fronting finished sidewalk elevation.	Existing condition is being maintained which is 19 inches.
h. For non-residential uses, the first vertical ten feet of building elevation shall be composed of 50 percent minimum transparency for street-facing building facades and walls. The bottom of transparent openings shall be no higher than 24 inches above the public right-of-way. Display windows used to satisfy these requirements shall have a minimum vertical dimension of four feet and shall be internally illuminated.	Consistent, No display windows
i. Mirrored, reflective and opaque tinted glass shall be prohibited.	Consistent
j. External street-level entrances shall be recessed and centered a minimum of 36 inches from the building frontage.	Consistent (40 inches supplied)

Sec. 90-49.2 Awnings and canopies.

a. Location/placement

Permitted	Proposed
1. Awnings and canopies shall have consistent height and depth subject to the size of the wall opening which, the awning or canopy is affixed.	Consistent
2. 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 and in the same location as the existing awning.
3. Awnings and canopies shall be consistent on multiple storefronts within a larger building.	Consistent
4. 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 appropriately divided across the front façade.
5. Awnings shall be attached to the building facades and shall not be supported by vertical elements within the right-of-way.	Consistent
6. Awnings shall have a pedestrian scale and be placed so as to provide weather protection.	Consistent
7. 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 and are complimentary to nearby awnings.
8. 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).	Consistent
9. 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 5-feet over the sidewalk and do not exceed the width of the sidewalk.

b. Appearance

Permitted	Proposed
1. 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.	Metal is proposed

2. Awnings shall be solid colors rather than patterned.	Proposed awning is a solid metal color..
3. 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.	No Awning valance is proposed.
4. 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.	Consistent
5. 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.
6. Signage, graphics and lettering shall be prohibited on canopies and awnings.	No signage, graphics and lettering is proposed.

RECOMMENDATION

Staff recommends approval



Town of Surfside Communication

Agenda Item:

Agenda Date: August 30, 2018 / September 27, 2018

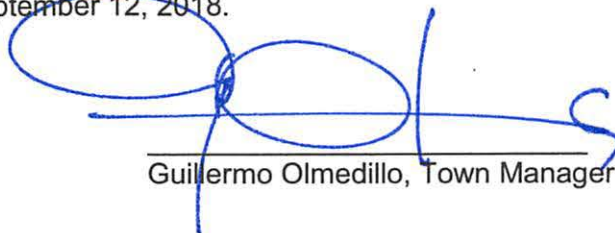
Subject: Modifications to Building Length Requirements to Permit Redevelopment of Existing Structures Destroyed by Acts of God

From: Guillermo Olmedillo, Town Manager

Background: On May 8, 2018, the Town Commission adopted regulations setting maximum building lengths and minimum building separations in the H30C and H40 zoning districts facing Collins and Harding Avenues. At the time of adoption, the Commission directed staff to draft Code revisions to clearly preserve and codify the redevelopment rights of existing buildings which would not be subject to the newly adopted building length and separation requirements if they were destroyed.

The attached ordinance allows existing buildings in the H30C and H40 zoning district to be repaired or rebuilt according to their existing, approved site plans if they are damaged or destroyed by fire, natural disaster, or other act of God instead of being required to comply with the new building length and building separation requirements. This exemption applies only in the event of fire, natural disaster, or other act of God and would not apply if a property owner independently chose to redevelop their property.

Staff Recommendation: Staff recommends approval of the attached Ordinance. The Ordinance will be presented to the Town Commission for second reading, together with the Planning and Zoning Board's recommendation, on September 12, 2018.



Guillermo Olmedillo, Town Manager

ORDINANCE NO. 18 - _____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-51 “MAXIMUM FRONTAGE OF BUILDINGS AND FACADE ARTICULATIONS.” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADDRESS APPLICABILITY OF MAXIMUM BUILDING LENGTH REQUIREMENTS FOR EXISTING BUILDINGS IN THE H30C AND H40 ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, the Town Commission of the Town of Surfside, Florida, recognizes that
2 changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the
3 Town’s regulations are current and consistent with the Town’s planning and regulatory needs;
4 and

5 **WHEREAS**, on May 8, 2018, the Town Commission adopted regulations setting
6 maximum building lengths and minimum building separations in the H30C and H40 zoning
7 districts facing Collins and Harding Avenues; and

8 **WHEREAS**, at the time of adoption, the Commission directed staff to draft Code
9 revisions to clearly preserve and codify the redevelopment rights of existing buildings which
10 would not be subject to the building length and separation requirements adoption on May 8,
11 2018; and

12 **WHEREAS**, the Town Commission held its first public hearing on these regulations on
13 August 14, 2018; and

14 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
15 reviewed the revisions to the Code for consistency with the Town’s Comprehensive Plan at a
16 duly noticed hearing on _____, 2018; and

17 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing
18 on these regulations as required by law on _____, 2018; and

19
20 **WHEREAS**, the Town Commission hereby finds and declares that adoption of this
21 Ordinance is necessary, appropriate, and advances the public interest.

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

Section 1. Recitals. Each of the above stated recitals is true and correct and the recitals are incorporated herein by this reference.

Section 2. Code Amendment. The Code of Ordinances of the Town of Surfside, Section 90-51 “Maximum frontage of buildings and facade articulations “ of Chapter 90 “Zoning” is hereby amended as follows¹:

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

90-51.1 Continuous wall frontages.

- (1) Continuous wall frontages in the H120 district shall not exceed 150 feet in length
- (2) Continuous wall frontages in the H30C zoning district shall not exceed 90 feet in length, subject to the following:
 - a. There shall be a minimum building separation of 12 feet between buildings on the same property.
 - b. The building facades facing each side of the separation area shall provide a minimum of 10% wall openings per façade and a minimum two-foot area for plantings along each façade.
 - c. Buildings may have a one-story (fifteen feet in height or less) connecting floor or breezeway located on the ground floor between the separated buildings, provided such connection is set back a minimum of 15 feet from the front building line.
- (3) Continuous wall frontages in the H40 zoning district shall not exceed 150 feet in length, subject to the following:
 - a. There shall be a minimum building separation of 17 feet between buildings on the same property.
 - b. The building facades facing each side of the separation area shall provide a minimum of 10% wall openings per façade and a minimum two-foot area for plantings along each façade.
 - c. Buildings may have a one-story (fifteen feet in height or less) connecting floor or breezeway between the separated buildings located on the ground floor, provided such connection is set back a minimum of 15 feet from the front building line.

¹ Additions to text are shown in underline. Deletions to text are shown in ~~strikethrough~~.

53 (4) In the event property is developed with lot frontage facing Harding Avenue and Collins
54 Avenue, no wall frontage facing Harding Avenue or Collins Avenue shall exceed 150
55 feet in length, subject to the following:

- 56 a. There shall be a minimum building separation of 17 feet between buildings on the
57 same property and the building separation shall run from Harding Avenue directly
58 through to Collins Avenue.
- 59 b. The building facades facing each side of the separation area shall provide a
60 minimum of 10% wall openings per façade and a minimum two-foot area for
61 plantings along each façade.
- 62 c. Buildings may have a one-story (fifteen feet in height or less) connecting floor or
63 breezeway between the separated buildings located on the ground floor, provided
64 such connection is set back a minimum of 15 feet from the front building line.

65 (5) In lieu of providing all building separations required in the H30C and H40 districts, a
66 building may provide a building separation equivalency area as follows:

- 67 a. The total sum of the provided building separation equivalency areas shall not be
68 less than the sum of the total building separation areas that would be required if the
69 separations required in subsections (2), (3), or (4) above, as applicable, were
70 instituted.
- 71 b. Building separation equivalency areas shall be no more than 250 feet apart.
- 72 c. Any building separation for a property that fronts on both Harding Avenue and
73 Collins Avenue shall run from Harding Avenue directly through to Collins Avenue.
- 74 d. The building facades facing each side of the separation area shall provide a
75 minimum of 10% wall openings per façade and a minimum four-foot area for
76 plantings along each façade.
- 77 e. Buildings may have a one-story (fifteen feet in height or less) connecting floor or
78 breezeway between the separated buildings located on the ground floor, provided
79 such connection is set back a minimum of 15 feet from the front building line.

80 (6) Structured parking garages: see section 90-49.4.

81 (7) Buildings within a district designated as a historic district per Miami-Dade County shall
82 be excluded from these requirements.

83 (8) Structures located in the H30C or H40 zoning district which existed on May 8, 2018 and
84 which are destroyed or damaged by fire, flood, windstorm, natural disaster or similar
85 event, shall be exempt from the requirements of paragraphs (2), (3), (4) and (5) of this
86 Section, provided the structure(s) are repaired or rebuilt in compliance with their existing,
87 previously approved and built site plans and, except as exempted by this paragraph, the
88 requirements of Section 90-31 of this Code.

89 * * *

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

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

95 **Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission,
96 and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the
97 Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-
98 lettered to accomplish such intentions; and the word “Ordinance” may be changed to “Section” or
99 other appropriate word.

100 **Section 6. Effective Date.** This Ordinance shall be effective upon final adoption on second
101 reading.

102

103 **PASSED** on first reading this 14th day of August, 2018.

104 **PASSED** and **ADOPTED** on second reading this _____ day of _____, 2018.

105

106 On Final Reading Moved by: _____

107 On Final Reading Second by: _____

108

109 **FINAL VOTE ON ADOPTION**

110 Commissioner Barry Cohen _____

111 Commissioner Michael Karukin _____

112 Commissioner Tina Paul _____

113 Vice Mayor Daniel Gielchinsky _____

114 Mayor Daniel Dietch _____

115

116 _____
117 Daniel Dietch, Mayor

118

119 **ATTEST:**
120 _____
121 _____

122 Sandra Novoa, MMC, Town Clerk

123

124 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**

125 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

126

127

128 _____
Weiss Serota Helfman Cole & Bierman, P.L.,

129 Town Attorney

130



Town of Surfside Planning & Zoning Board Communication

Agenda Date: September 27, 2018

Subject: Aggregation of Single Family Lots

From: Sarah Sinatra Gould, AICP, Town Planner

Background: The Town Commission requested that the Planning and Zoning Board (Board) address the effects of aggregation of single family lots. For reference, see attached memorandum from Commissioner Karukin. The Planning and Zoning Board asked staff to consider pie shaped lots. The text has been modified to address this condition.

Analysis:

Staff is recommending the following.

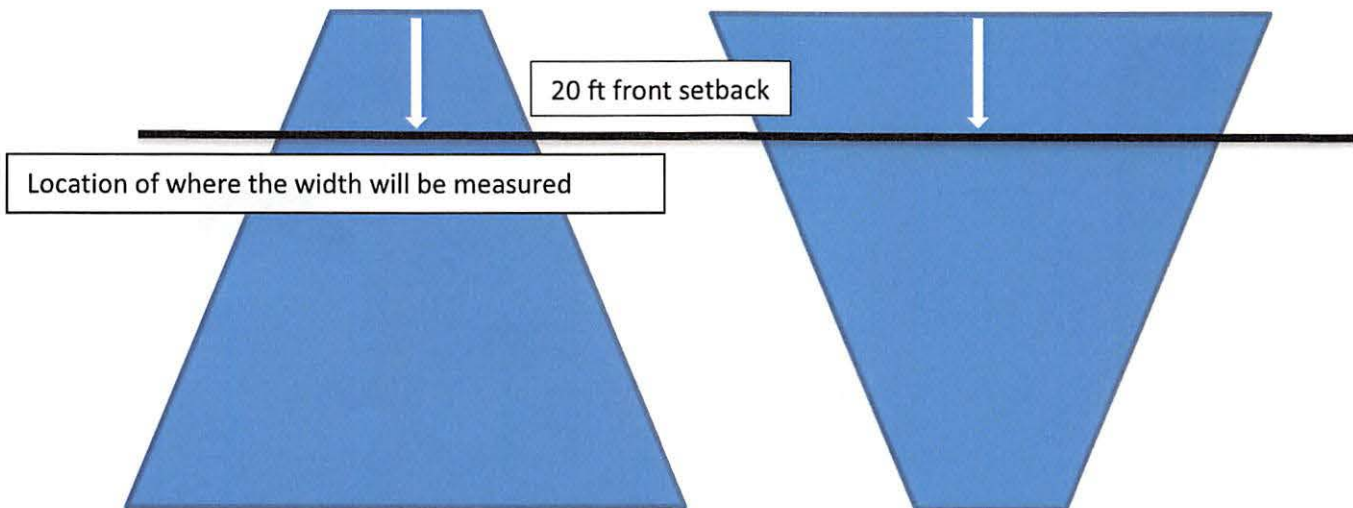
1. Increase side setbacks for lots over 75 feet in the H30B district and for lots over 100 feet in the H30A district to 15% of the frontage, while the current code requires setbacks of 10% of the frontage.
2. In connection with the additional side setbacks for the first floor, require that lots with lot widths greater than 75 feet in the H30B district and 100 feet in the H30A districts not be permitted to have second stories greater than 65% of the first floor, while the current code permits up to 80% of the first floor.

For example, on a 100 foot X100 foot lot (10,000 sq ft), the current code allows up to a 7,200 square foot building with 10 foot side setbacks. This proposed code change would result in a total building area of 6,352 square feet, a reduction of 848 square feet. The following chart provides an analysis of the changes.

Example – Oversize or Aggregated Lot		
Setbacks- Existing	Proposed	Lot Coverage
Front: 20 feet	20 feet (no change)	Lot Size: 100'x100' = 10,000 sq. ft.
Rear: 20 Feet	20 feet (no change)	Maximum Lot Coverage: 4,000 sq. ft.
Side: 10 feet	15 feet	Maximum Second Floor Coverage: 65% of the first floor
Side: 10 feet	15 feet	
Building Footprint		Total Square footage Maximum
First Floor: 55'x70' = 3,850 sq. ft.		Existing allowed - 7,200
Second Floor: 2,502 (65% of the first floor)		Proposed - 6,352 - Overall reduction in 848 square feet

The Planning and Zoning Board asked staff to consider the impact on pie shaped or irregular shaped lots. Staff is suggesting the following additional language:

15% of the width of the property, measured at the required front setback line.



Staff Recommendation: The Town Commission approved this item on first reading. Staff recommends the Planning & Zoning Board recommend approval to the Town Commission.

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager



**Town of Surfside
Town Commission Meeting
January 9, 2018
7:00 pm**

Town Hall Commission Chambers - 9293 Harding Ave, 2nd Floor
Surfside, FL 33154

DISCUSSION ITEM MEMORANDUM

Agenda #:

Date: January 9, 2018

From: Michael Karukin, Commissioner

Subject: Impact from Aggregation of Lots in Single Family Home Districts

Objective: Mitigate risk of McMansions due to property aggregation in single family home districts H30A and H30B.

Consideration: Our zoning code has always reflected an overall intent to prevent McMansions. For example:

- In 2007, 2008 and April 2009, McMansion ordinances were adopted.
- In December 2012 I asked P and Z to develop policies and planning concepts that prevent large massive structures from being built on aggregated or very large lots. They agreed.
- In April 2016, Commissioner Paul sent us an article about McMansions.
<http://www.miaminewtimes.com/news/residents-and-preservationists-push-back-as-mcmansions-take-over-miami-beach-8382869>
- In March 2017, I asked the staff a question about the impact on continuous maximum wall frontage from property aggregation in the single-family district.

"In the single family home districts, if more than one 50x100 lot is aggregated resulting in a larger lot size can a single larger structure be built to the side setbacks? For example, if the new lot is now 100 x 100 can a new home or other structure have a 90 foot frontage?"

They said.....

"the side setbacks in single family are 5 ft or 10% of the lot width, whichever is greater. In this scenario the side setbacks would be 10 ft on either side and the house frontage could be 80 feet for the 1st floor but would need to provide greater setbacks on the 2nd floor."

Based on the answer to the question, there is a loophole that needs to be addressed. Apparently, in the single-family home district, an aggregated lot can result in a home with an 80-foot frontage. And if a house on that size lot, with the set back requirements for a second floor, that house can be huge.

The size and scale of such a home in the single-family home district resulting from property aggregation has the potential to be out of scale for surrounding homes, and not compatible with the overall character of the Town and inconsistent with our intent and policies and preventing such homes. Therefore, this loophole can be used as a way to get around our efforts to mitigate McMansions.

Recommendation: Direct the planning and zoning board to fix this loophole in our code.

ORDINANCE NO. 18 - _____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-45 “SETBACKS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE SETBACKS AND MAXIMUM SECOND STORY FLOOR AREAS FOR CERTAIN LOTS IN THE H30A AND H30B ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, the Town Commission of the Town of Surfside, Florida, recognizes that
2 changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the
3 Town’s regulations are current and consistent with the Town’s planning and regulatory needs;
4 and

5 **WHEREAS**, the Town Commission finds that the development of a single family
6 structure on an aggregation of single family lots can create an over-sized dwelling which is
7 incompatible with the surrounding neighborhood; and

8 **WHEREAS**, the Commission desires to encourage development consistent and
9 compatible with the existing residential scale of the Town and therefore chooses to reduce the
10 likelihood of over-development of lots within the single family neighborhoods; and

11 **WHEREAS**, the Commission directed the Planning and Zoning Board to review, analyze
12 and make recommendations for zoning strategies to prevent development of over-sized
13 incongruous with the character of the Town; and

14 **WHEREAS**, the Planning and Zoning Board recommended revisions to the setbacks and
15 second story floor areas limitations for aggregated single family lots; and

16 **WHEREAS**, the Town Commission held its first public hearing on these regulations on
17 August 14, 2018; and

18 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
19 reviewed the revisions to the Code for consistency with the Town’s Comprehensive Plan at a
20 duly noticed hearing on _____, 2018; and

21 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing
22 on these regulations as required by law on _____, 2018; and

23
24 **WHEREAS**, the Town Commission hereby finds and declares that adoption of this
25 Ordinance is necessary, appropriate, and advances the public interest.

26
27 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
28 **THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

29 **Section 1. Recitals.** Each of the above stated recitals is true and correct and the recitals are
30 incorporated herein by this reference.

31 **Section 2. Code Amendment.** The Code of Ordinances of the Town of Surfside,
32 Section 90-45 “Setbacks” of Chapter 90 “Zoning” is hereby amended as follows¹:

33 Sec. 90-45. - Setbacks.

34 (a) *Massing*:

35 (1) *Required massing—Generally.* The development of new single-family structures and additions
36 to existing single-family structures shall abide by height and massing regulations.

37 Massing regulations are based on the height of the structure and are delineated between (a)
38 single and multi-story structures (b) new structures or additions to existing structures and (c) the
39 ratio of area of the first story to the area of the upper stories.

40 ~~The area of the upper stories (wall plane greater than 15 feet in height) for new structures and~~
41 ~~additions to existing single-story structures shall not exceed 80 percent of the area of the first~~
42 ~~story.~~

43 (2) *Required Massing—New single-story structures and single-story additions to single-story*
44 *structures in H30A and H30B districts.* The following table shall be utilized for new single-story
45 structures and single-story additions to existing single-story structures (up to 15 feet in height) in
46 both the H30A and H30B districts.

H30A and H30B (SINGLE-STORY STRUCTURES UP TO 15 FEET IN HEIGHT)	PERCENTAGE
Maximum Lot Coverage	40%
SINGLE STORY STRUCTURES	MINIMUM SETBACK
Primary frontage	20 FT
Interior side (lots equal to or less than 50 feet in width)	5 FT

¹ Additions to text are shown in underline. Deletions to text are shown in ~~strike through~~.

<u>Interior side (lots over 50 feet but less than 100 feet in width in H30A)</u>	<u>10% of the frontage</u>
Interior side (lots over 50 feet <u>but less than 75 feet</u> in width in H30B)	10% of the frontage
<u>Interior side (100 feet or greater in width in H30A)</u>	<u>15% of the frontage</u>
<u>Interior side (75 feet or greater in width in H30B)</u>	<u>15% of the frontage</u>
Rear	20 FT
Secondary frontage (Corner only)	10 FT

47

48 (3) *Required Massing—Single-family homes within the H30A and H30B districts.* For single-family
 49 homes within the H30A and H30B districts, the following table shall be utilized for new multi-
 50 story structures or multi-story additions (additions greater than 15 feet in height) to existing
 51 single-story structures where the upper-story floor area is less than 50 percent of first-story floor
 52 area. Where provided both the minimum and average setback shall be utilized.

H30A AND H30B UPPER STORY FLOOR AREA IS LESS THAN 50% OF FIRST STORY FLOOR AREA	PERCENTAGE
Maximum Lot Coverage	40%
FIRST STORY (UP TO 15 FT IN HEIGHT)	SETBACK
Primary frontage	Minimum 20 FT
Interior side (lots equal to or less than 50 feet in width)	Minimum 5 FT
Interior side (lots over 50 feet <u>but less than 100 feet</u> in width in H30A)	Minimum 10% of the frontage
<u>Interior side (lots over 50 feet but less than 75 feet in width in H30B)</u>	<u>Minimum 10% of the frontage</u>
<u>Interior side (100 feet or greater in width in H30A)</u>	<u>15% of the frontage</u>

<u>Interior side (75 feet or greater in width in H30B)</u>	<u>15% of the frontage</u>
Rear	Minimum 20 FT
Secondary frontage (Corner only)	Minimum 10 FT
UPPER STORY OR WALL PLANES GREATER THAN 15 FT IN HEIGHT	SETBACK
Primary frontage	Minimum 20 FT
	Average 22.5 FT
Interior side (lots equal to or less than 50 feet in width)	Minimum 5 FT
	Average n/a
Interior side (lots greater than 50 feet in width)	Minimum 10% of lot frontage
	Average n/a
Rear	Minimum 20 FT
	Average n/a
Secondary frontage (corner only)	Minimum 10FT
	Average 12.5 FT

53

54 (4) *Required massing—New multi-story structures or multi-story additions.* For single-family homes
55 within the H30A and H30B districts, the following table shall be utilized for new multi-story
56 structures or multi-story additions (additions greater than 15 feet in height) to existing single-
57 story structures where the upper-story floor area is 50 percent to 64 percent of first-story floor
58 area. Where provided, both the minimum and average setbacks shall be utilized.

H30A AND H30B UPPER STORY FLOOR AREA IS 50% TO 64% OF FIRST STORY AREA	PERCENTAGE
Maximum Lot Coverage	40%

FIRST STORY (UP TO 15 FT IN HEIGHT)		Setback
Primary frontage		Minimum 20 FT
Interior side (lots equal to or less than 50 feet in width)		Minimum 5 FT
Interior side (lots over 50 feet <u>but less than 100 feet in width in H30A</u>)		Minimum 10% of the frontage
<u>Interior side (lots over 50 feet but less than 75 feet in width in H30B)</u>		<u>Minimum 10% of the frontage</u>
<u>Interior side (100 feet or greater in width in H30A)</u>		<u>15% of the frontage</u>
<u>Interior side (75 feet or greater in width in H30B)</u>		<u>15% of the frontage</u>
Rear		Minimum 20 FT
Secondary frontage (Corner only)		Minimum 10 FT
UPPER STORY OR WALL PLANES GREATER THAN 15 FT IN HEIGHT		SETBACK
Primary frontage		Minimum 20 FT
		Average 25 FT
Interior side (lots equal to or less than 50 feet in width)	H30A - Wall length is equal to or less than 20% of the lot depth	Minimum 5 FT
		Average n/a
	H30A - Wall length is greater than 20% of the lot depth	Minimum 5 FT
		Average 7.5 FT
	H30B - Wall length is equal to or less than 25% of the lot depth	Minimum 5 FT
		Average n/a
H30B - Wall length is greater than 25% of	Minimum 5 FT	

	the lot depth	Average 7.5 FT
Interior side (lots greater than 50 feet in width)	H30A - Wall length is equal to or less than 20% of the lot depth	Minimum 10% of lot frontage
		Average n/a
	H30A - Wall length is greater than 20% of the lot depth	Minimum 10% of lot frontage
		Average 15% of the frontage
	H30B - Wall length is equal to or less than 25% of the lot depth	Minimum 10% of the frontage
		Average n/a
	H30B - Wall length is greater than 25% of the lot depth	Minimum 10% of lot frontage
		Average 15% of the frontage
Rear	Minimum 20 FT	
	Average n/a	
Secondary frontage (corner only)	Minimum 10 FT	
	Average 15 FT	

59

60 (5) *Required Massing—New multi-story structures or multi-story additions (additions greater than*
61 *15 feet in height) to existing single-story structures where the upper-story floor area is 65*
62 *percent to 80 percent of first-story floor area. For single family homes within the H30A and*
63 *H30B districts, the following table shall be utilized for new multi-story structures or multi-story*
64 *additions (additions greater than 15 feet in height) to existing single-story structures where the*
65 *upper-story floor area is 65 percent to 80 percent of first-story floor area. Where provided, both*
66 *the minimum and average setbacks shall be utilized.*

H30A AND H30B UPPER STORY FLOOR AREA IS 65% TO 80% OF FIRST STORY FLOOR AREA		PERCENTAGE
<u>Lots in H30A 100 feet or greater in width and lots in H30B 75 feet or greater in width are not eligible to build a second story with more floor area than 64% of the first floor</u>	<u>Maximum Lot Width in H30A</u>	<u>less than 100 feet</u>
	<u>Maximum Lot Width in H30B</u>	<u>less than 75 feet</u>
Maximum Lot Coverage		40%
FIRST STORY (UP TO 15 FT IN HEIGHT)		SETBACK
Primary frontage		Minimum 20 FT
Interior side (lots equal to or less than 50 feet in width)		Minimum 5 FT
Interior side (lots over 50 feet <u>but less than 100 feet in width in H30A</u>). <u>Lots in the H30A 100 feet or greater in width are not eligible to build more than 64% of the first floor)</u>		Minimum 10% of the frontage
<u>Interior side (lots over 50 feet but less than 75 feet in width in H30B)</u> . <u>Lots in the H30B 75 feet or greater in width are not eligible to build more than 64% of the first floor)</u>		<u>Minimum 10% of the frontage</u>
Rear		Minimum 20 FT
Secondary frontage (Corner only)		Minimum 10 FT
UPPER STORY OR WALL PLANES GREATER THAN 15 FT IN HEIGHT		Setback
Primary frontage		Minimum 20 FT
		Average 30 FT
Interior side (lots equal	H30A - Wall length is equal to or less than	Minimum 5 FT

to or less than 50 feet in width)	20% of the lot depth	Average n/a
	H30A - Wall length is greater than 20% of the lot depth	Minimum 5 FT
		Average 10 FT
	H30B - Wall length is equal to or less than 25% of the lot depth	Minimum 5 FT
		Average n/a
	H30B - Wall length is greater than 25% of the lot depth	Minimum 5 FT
Average 10 FT		
Interior side (lots greater than 50 feet in width)	H30A - Wall length is equal to or less than 20% of the lot depth	Minimum 10% of lot frontage
		Average n/a
	H30A - Wall length is greater than 20% of the lot depth	Minimum 10% of lot frontage
		Average 20% of the frontage
	H30B - Wall length is equal to or less than 25% of the lot depth	Minimum 10% of lot frontage
		Average n/a
	H30B - Wall length is greater than 25% of the lot depth	Minimum 10% of lot frontage
		Average 20% of the frontage
Rear		Minimum 20 FT
		Average n/a

Secondary frontage (Corner only)	Minimum 10 FT
	Average 20 FT

67 * * *

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

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

73 **Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town
74 Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made
75 a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be
76 renumbered or re-lettered to accomplish such intentions; and the word “Ordinance” may be changed
77 to “Section” or other appropriate word.

78 **Section 6. Effective Date.** This Ordinance shall be effective upon final adoption on
79 second reading.

80

81 **PASSED** on first reading this 14th day of August, 2018.

82 **PASSED** and **ADOPTED** on second reading this _____ day of _____, 2018.

83

84 On Final Reading Moved by: _____

85 On Final Reading Second by: _____

86 **FINAL VOTE ON ADOPTION**

87 Commissioner Barry Cohen _____

88 Commissioner Michael Karukin _____

89 Commissioner Tina Paul _____

90 Vice Mayor Daniel Gielchinsky _____

91 Mayor Daniel Dietch _____

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Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.,
Town Attorney



Town of Surfside Planning & Zoning Communication

Agenda Date: September 27, 2018

Subject: Municipal Zoning Equivalencies

From: Guillermo Olmedillo, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

At the August 14, 2018 Town Commission meeting, the Town Manager presented for your consideration ongoing zoning issues involving Town-owned properties. Presently, these properties have three different zoning designations and three different sets of development standards which limit the use of the properties and do not allow the range of activities that are necessary for the full performance of governmental functions. A related zoning issue, also presented at that meeting, is the correlation between density and intensity. The attached Ordinance would be applicable to Town-owned properties and would guide the future rezoning of Town-owned properties to municipal zoning categories which are consistent with the existing densities and intensities so as to ensure compliance with Charter limitations. All land acquired by the Town will carry a governmental use designation with an accompanying density to Floor Area Ratio (FAR) equivalency. The MU zoning district currently is unnecessarily complicated because it has no setbacks, lot coverage or parking requirements, there are several other municipal exemptions scattered throughout the code, and then random situations where code regulations are applied. The CF zoning district does not currently limit intensity however we have incorporated the applicable 3.0 FAR intensity standard from the Comprehensive Plan which is the same as the MU category.

The proposed amendment provides a general exemption from the zoning code requirements for town-owned property to ensure consistency and regulatory uniformity (as opposed to scattered exemptions), while preserving the existing caps on density, intensity and height. The current governmental use designations include Municipal Use (MU) and Community Facility (CF). Finally, the amendment proposes to add a new zoning classification of MU (30) in order to have a category for properties that must remain at 30 feet in height.

The proposed equivalency standards are based on the existing densities and development standards and are intended to show what *intensity* (FAR) could be built on a property based on the existing permitted *residential density* of the parcel. The equivalency table is intended to provide FAR which is equal to the same intensity of development that would be created with the

permitted existing residential density of the parcel. In other words, a density of X residential units creates the same development as an intensity of Y FAR. The “equivalency” standards also act to cap development at existing heights, densities, and comparable intensities to ensure compliance with the Charter requirement prohibiting increases in density, intensity and height.

The Town Commission reviewed this ordinance and approved on first reading with the condition that an independent attorney review the ordinance to confirm it is not in conflict with Chapter 4 of the Town’s Charter. This review must occur prior to the second reading by the Town Commission, however the charter is specifically under the control of the Town Commission, not the Planning and Zoning Board. Therefore, the Planning and Zoning Board as the Local Planning Agency should provide a recommendation to the Town Commission.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

ORDINANCE NO. 18 - _____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90, "ZONING," OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO CHANGE THE LIST OF PERMITTED USES IN THE MU AND CF ZONING DISTRICTS, CREATE A NEW MU(30) ZONING DISTRICT PROVIDING THE SAME DENSITY, HEIGHT AND AN EQUIVALENT INTENSITY AS THE H30C ZONING DISTRICT, TO PROVIDE DEVELOPMENT DENSITY AND INTENSITY EQUIVALENCY DATA FOR MUNICIPAL PROPERTIES, AND TO EXEMPT MUNICIPAL PROPERTY FROM THE LAND DEVELOPMENT REGULATIONS WHILE MAINTAINING EXISTING DENSITY, INTENSITY AND HEIGHT RESTRICTIONS FOR THOSE MUNICIPAL PROPERTIES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, the Town Commission of the Town of Surfside, Florida, recognizes that
2 changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the
3 Town's regulations are current and consistent with the Town's planning and regulatory needs;
4 and

5 **WHEREAS**, on August 14, 2018, the Town Commission discussed ongoing zoning
6 issues involving municipal property faced with multiple zoning designations, different sets of
7 development standards and limits on the range of uses which result in burdensome restrictions on
8 activities beneficial for the performance of governmental functions.

9 **WHEREAS**, the Town Commission finds that providing clarity and uniformity in the
10 treatment of government property is essential to governmental operations; and

11 **WHEREAS**, the Town Commission desires to adopt equivalency standards to restrict
12 density, intensity and height of development on government property to ensure that rezoning and
13 development of municipal property does not increase densities, intensities or heights in violation
14 of the Town Charter; and

15 **WHEREAS**, the Town Commission held its first public hearing on these regulations on
16 September 12, 2018; and

17 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
18 reviewed the revisions to the Code for consistency with the Town’s Comprehensive Plan at a
19 duly noticed hearing on _____, 2018; and

20 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing
21 on these regulations as required by law on _____, 2018; and

22
23 **WHEREAS**, the Town Commission hereby finds and declares that adoption of this
24 Ordinance is necessary, appropriate, and advances the public interest.

25
26 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
27 **THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

28 **Section 1. Recitals.** Each of the above stated recitals is true and correct and the recitals are
29 incorporated herein by this reference.

30 **Section 2. Code Amendment.** The Code of Ordinances of the Town of Surfside,
31 Chapter 90 “Zoning,” is hereby amended as follows¹:

32 **ARTICLE III. - ESTABLISHMENT OF ZONING DESIGNATIONS**

33 **Sec. 90-39. - Zoning districts.**

34 In order to regulate the overall character of the town, in an effort to restrict the massing, volume
35 and bulk of building masses hereafter erected or structurally altered and to ensure the character
36 and livability of the town, the following zoning designations are hereby established. These
37 designations further restrict the location of uses, location of buildings and the use of lot areas and
38 regulates and determines the areas of yards, and other open spaces within and surrounding such
39 buildings. Of primary importance is the designations' ability to control development to ensure a
40 high quality environment that is comfortable, pedestrian friendly, safe and livable.

41 * * *

42 90-39.6 Municipal. Community and town owned facilities. Rezoning to Municipal zoning
43 districts will be completed by the Town ~~are assigned~~ as municipal owned lands are aggregated.
44 It is the express intent of the Town that properties owned by the Town, regardless of their zoning
45 designation, are exempt from the provisions of Chapter 90 except as provided in this Section.
46 Regardless of any zoning designation prior to Town ownership, Town-owned properties shall be
47 developed, operated, and regulated consistent with this section.

¹ Additions to text are shown in underline. Deletions to text are shown in ~~strikethrough~~.

48 (a) Governmental Use Districts: CF, MU and MU(30) zoned parcels may be used for any
 49 and all uses and activities consistent with any Town Commission approved public private
 50 partnership project or for any use or activity which the Town Commission finds provides
 51 a benefit to the community or is otherwise consistent with the inherent governmental
 52 functions of local government.

53 (b) The following equivalency table provides maximum density, intensity and heights
 54 generated based on underlying development guidelines demonstrating density and
 55 intensity equivalents to ensure that rezoning of a property based on Town Ownership
 56 does not permit an increase in density, intensity or height of development in violation of
 57 the requirements of the Town Charter.

<u>Municipal Density and Intensity Equivalency Table</u>			
<u>Zoning District</u>	<u>Density</u>	<u>Intensity</u>	<u>Height</u>
<u>H30C</u>	<u>79 UPA</u>	<u>2.0</u>	<u>Two stories and 30 feet</u>
<u>H40</u>	<u>79 UPA</u>	<u>3.0</u>	<u>Three stories and 40 feet</u>
<u>MU(30)</u>	<u>79 UPA</u>	<u>2.0</u>	<u>Two stories and 30 feet</u>
<u>MU</u>	<u>79 UPA</u>	<u>3.0</u>	<u>Surrounding Designations</u>
<u>CF</u>	<u>109 UPA</u>	<u>3.0</u>	<u>70 feet</u>

58
 59 * * *

60 **ARTICLE IV. - DISTRICT REGULATIONS**

Sec. 90-41. - Regulated uses.

Applicability and validity of tables. Nothing shall be used to misconstrue or reinterpret the provisions, limitations and allowances made here in.

(a) *Purpose.* Permitted uses are considered to be fundamentally appropriate within the district in which they are located and are deemed to be consistent with the comprehensive plan. These uses are permitted as of right, subject to the required permits and procedures described in this section. Permitted uses require final site plan review and approval for compliance with the standards applicable to a particular permitted use as provided in this zoning code.

(b) *Permits required.* Except as explicitly provided herein, no use designated as a permitted use in this chapter shall be established until after the person proposing such use has applied for and received all required development permits.

(c) *Table—Regulated uses.*

* * *

Uses	Municipal	Community Facilities
Library	P	P
Parks & Open Space	P	P
Playgrounds	P	P
Community Center	P	P
Gymnasiums	P	P
Town Offices	P	P
Police Facilities	P	P
Pump Stations	CU(23)	CU(23)
Parking	P	-
Electric Vehicle Charging Station	P(29)	P(29)

Key: P: Permitted Blank: Not Permitted (#): Refer to Notes CU: Conditional Use

* * *

Sec. 90-43. - Maximum building heights.

Designation	Maximum Height (Feet)	Maximum Stories
H30A	30 FT	2

H30B	30 FT	2
H30C	30 FT	2
H40	40 FT	1 and 2 family = 2 stories, multifamily and hotel = 3 stories
H120	120 FT	12
SD-B40	40 FT	3
MU	Surrounding Designation	
CF	70 FT	

* * *

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.

* * *	* * *
CF	Maximum Setback (Feet)
Primary frontage	20 FT
Interior side	10 FT
Rear	20 FT
Secondary frontage (Corner only)	15 FT

* * *

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, private 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).

* * *

Sec. 90-49. - Lot standards.

Lot standards	H30A	H30B	H30C	H40	H120	SD-B40	MU	CF
Minimum lot width	50 FT	50 FT	50 FT	50 FT	50 FT	0 FT	-	-
Minimum lot area	8,000 FT	5,600 FT	-	-	-	-	-	-
Maximum lot coverage	40%	40%	-	-	-	-	-	-
Minimum pervious area	35%	35%	20%	20%	20%	-	-	-

* * *

90-50.2 Roof deck provisions.

* * *

- (3) For properties designated H30C, H40, H120, and SD-B40 ~~and MU~~, roof decks are limited to:
- a. A maximum of seventy (70) percent of the aggregate roof area;
 - b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;
 - c. Shall be setback from the roofline at least ten feet on all sides to provide for minimal visibility of roof decks from any public way, except on properties designated SD-B40; and

* * *

Sec. 90-73. - Permanent signs by district.

* * *

(b) *H30C, H40, ~~MU~~ and H120 zoning districts*

* * *

ARTICLE VII. - OFF-STREET PARKING AND LOADING

DIVISION 1. - OFF-STREET PARKING

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

* * *

~~(e) *Municipal parking* Use of property in town government capacity The provisions of this article (Off Street Parking and Loading) shall not apply to the use of any property by the town in any government capacity, function or purpose. This exemption shall also apply to setbacks and lot coverage requirements as set forth in section 90-49 hereinabove.~~

* * *

ARTICLE VIII. - LANDSCAPE REQUIREMENTS

* * *

Sec. 90-89. - Plant material.

* * *

90-89.8 Turf:

(1) All turf areas including but not limited to swales, lake maintenance easements, and retention areas shall be sodded using St. Augustine Floratam, Palmetto or Bermuda sod to the water line.

* * *

(4) The following percentages shall apply to turf areas:

- a. No more than 80 percent of the landscape area for single-family and duplex dwellings may be in turf grass.
- b. No more than 60 percent of the landscape area for multifamily dwellings may be in turf grass.
- c. No more than 50 percent of the landscape area for other development uses may be in turf grass, ~~notwithstanding the use of artificial turf for the purpose of municipal athletic fields.~~

* * *

Sec. 90-91. - Landscape buffer areas between residential and non-residential properties and vehicular use areas.

90-91.1 Applicability: All proposed development or redevelopment sites and vehicular use areas serving H30C, H40, or H120, ~~or municipal uses~~ shall conform to the minimum landscaping requirements hereinafter provided. Interior parking landscape requirements under or within buildings and parking areas serving H30A and H30B districts are exempt. Additionally, SD-B40 shall be exempt. Expansive concrete or paver areas shall require landscaping to soften and scale the buildings.

90-91.2 Required buffer landscaping adjacent to streets and abutting properties: On any proposed, redeveloped site, or open lot providing a vehicular use area for H30C, H40, or H120, ~~adjacent or contiguous to H40, or municipal plots~~ where such area is abutting street(s) and/or

property lines, including dedicated alleys, landscaping shall be provided between such area and such perimeters as follows:

* * *

Sec. 90-94. - Landscape buffers.

- (1) Where any plot zoned or used for H30C, H40 or H120 is separated by a street, alley, canal or public open space from a plot zoned or used for H30A or H30B, said plot shall provide a landscape buffer of at least ten feet in depth.
- (2) Where any plot zoned or used for H40 or H120 or H30C is contiguous to any plot zoned or used for H30A or H30B, said plot shall provide a landscape buffer of at least 15 feet in depth.
- (3) Where any plot zoned or used SD-B40 ~~or municipal~~ plot is separated by a street, alley, canal or public open space from a plot zoned or used for H30A or H30B, said plot shall provide a landscape buffer of at least 15 feet in depth.
- (4) Where any plot zoned or used for SD-B40 ~~or municipal~~ plot is contiguous to a zoned or used plot of H30A or H30B, said plot shall be provide a landscape buffer of at least 20 feet in depth.

* * *

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 upon final adoption on second reading.

PASSED on first reading this 12th day of September, 2018.

PASSED and **ADOPTED** on second reading this _____ day of _____, 2018.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION

Commissioner Barry Cohen _____
Commissioner Michael Karukin _____
Commissioner Tina Paul _____
Vice Mayor Daniel Gielchinsky _____
Mayor Daniel Dietch _____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.,
Town Attorney



Town of Surfside Planning & Zoning Communication

Agenda Date: September 27, 2018

Subject: Municipal Comprehensive Plan Equivalencies

From: Guillermo Olmedillo, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

At the August 14, 2018 Town Commission meeting, the Town Manager presented ongoing zoning and land use issues involving Town-owned properties. Presently, these properties have three different zoning and land use designations including three different sets of development standards which limit the use of the properties and do not allow the range of activities that are necessary for the full performance of governmental functions. The Town Commission approved first reading of an ordinance that guides the future rezoning of Town-owned properties to municipal zoning categories which are consistent with the existing densities and intensities. All land acquired by the Town will carry a governmental use designation with an accompanying density to Floor Area Ratio (FAR) equivalency.

The proposed modification is to add Governmental Use category description along with an equivalency table which is consistent with the table proposed in the zoning code.

Governmental Use Categories: Public Building and Grounds, Parking and Community Facilities designated parcels which are owned by the Town may be used for any and all uses and activities consistent with any Town Commission approved public private partnership project or for any use or activity which the Town Commission finds provides a benefit to the community or is otherwise consistent with the inherent governmental functions of local government.

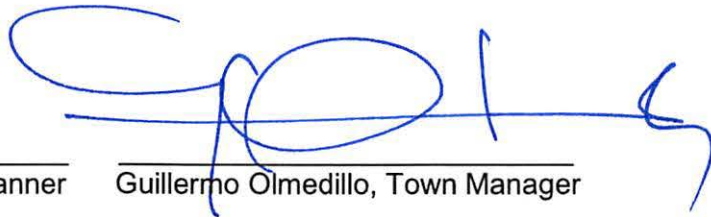
The following equivalency table applies to Town-owned properties designated as one of the Governmental Use Categories and provides maximum density, intensity and heights generated based on underlying Comprehensive Plan and Land Development Regulation development guidelines demonstrating density and intensity equivalents to ensure that a land use or zoning change of a property based on Town Ownership does not permit an increase in density, intensity or height of development in violation of the requirements of the Town Charter.

<u>Municipal Density and Intensity Equivalency Table</u>			
<u>Land Use District</u>	<u>Density</u>	<u>Intensity</u>	<u>Height</u>
<u>Moderate-High Density Residential (Zoning of H30C)</u>	<u>79 UPA</u>	<u>2.0</u>	<u>Two stories and 30 feet</u>
<u>Moderate-High Density Residential (Zoning of H40)</u>	<u>79 UPA</u>	<u>3.0</u>	<u>Three stories and 40 feet</u>
<u>Public Buildings and Grounds (Zoning MU(30))</u>	<u>79 UPA</u>	<u>2.0</u>	<u>Two stories and 30 feet</u>
<u>Public Buildings and Grounds (Zoning MU)</u>	<u>79 UPA</u>	<u>3.0</u>	<u>Three stories and 40 feet</u>
<u>Parking</u>	<u>79 UPA</u>	<u>3.0</u>	<u>Three stories and 40 feet</u>
<u>Community Facilities</u>	<u>109 UPA</u>	<u>3.0</u>	<u>70 feet</u>

Staff is requesting that the Planning and Zoning Board as the Local Planning Agency provide a recommendation to the Town Commission.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

ORDINANCE NO. 18 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN'S COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TO ADDRESS USE OF MUNICIPALLY OWNED PROPERTY AND PROVIDE DENSITY AND INTENSITY EQUIVALENCIES FOR MUNICIPALLY OWNED PROPERTY; AUTHORIZING TRANSMITTAL; PROVIDING FOR SEVERABILITY; CONFLICTS; AND FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Sections 163.3184 and 163.3187, Florida Statutes, provides procedures for amendments to adopted local comprehensive plans; and

WHEREAS, the Town of Surfside (the "Town") proposes to amend the Future Land Use Element of its Comprehensive Plan to demonstrate land use intensity and density equivalencies; and

WHEREAS, the Town desires to clarify that properties owned by the Town, and designated as a governmental use land use designation, which include the Public Building and Grounds, Parking and Community Facilities land use categories may be used for uses and activities approved through the Town as part of public private partnership project approvals or for any use or activity which the Town Commission finds provides a benefit to the community or is otherwise consistent with the inherent governmental functions of local government; and

WHEREAS, the Planning and Zoning Board as the local planning agency for the Town held its hearing on the proposed Comprehensive Plan Amendments on September 27, 2018, with due public notice; and

WHEREAS, the Town Commission held the required transmittal hearing on October 9, 2018, with due public notice; and

WHEREAS, the Town Commission hereby finds and determines that this Ordinance is in the best interest of the public health, safety, and welfare.

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. Amendments to the Comprehensive Plan. Policy 1.1 of Objective 1 of the Future Land Use Element of the Comprehensive Plan is hereby approved on first reading for transmittal and review as follows¹:

FUTURE LAND USE ELEMENT

Objective 1 – Coordination of land uses with topography and soils: Maintain existing development and achieve new development and redevelopment which is consistent with the goal above and which otherwise coordinates future land uses with the appropriate topography and soil conditions and the availability of facilities and services. This objective shall be measured by implementation of its supporting policies.

Policy 1.1 – The Town shall maintain, improve and strictly enforce provisions which are consistent with the Future Land Use Map, including the land uses and densities and intensities specified thereon and including the following:

Low Density Residential: up to 8 dwelling units per acre and not more than 30 feet in height. Permitted uses are single family residential use and parks and open space.

Moderate Low Density Residential: up to 17 dwelling units per acre and not more than 30 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, public schools, places of public assembly, and parks and open spaces. This category is the buffer between Harding Avenue commercial uses and single family residential uses on west side of Abbott Avenue.

Moderate-High Density Residential: up to 79 residential dwelling units per acre or up to 108 hotel units per acre and not more than 40 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, hotels, public schools, places of public assembly, and parks and open spaces.

High Density Residential/Tourist: up to 109 dwelling or hotel units per acre and not more than 120 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, hotels, public schools, places of public assembly, and parks and open spaces.

Moderate Density Residential/Tourist: up to 58 residential dwelling units per acre or up to 108 hotel units per acre and not more than 40 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, hotels, and parks and open space.

General Retail/Services: up to a floor area ratio of 3.0 and not more than 40 feet in height. The permitted uses are commercial uses (professional, retail, office and related parking).

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

Public Recreation: up to a floor area ratio of 0.05 and not more than 30 feet in height. The permitted uses are Town-owned public parks and state-owned beachfront east of the erosion control line and immediately adjacent to the Atlantic Ocean.

Private Recreation: up to a floor area ratio of 0.05 and not more than 30 feet in height. The permitted uses are privately owned open space and land between bulkhead and erosion control line (privately owned land).

Public Buildings and Grounds: up to a floor area ratio of 3.0 and not more than 40 feet in height. The permitted uses are Town-owned and publicly-owned land, parks and facilities.

Parking: up to a floor area ratio of 3.0 and not more than 40 feet in height. The permitted use is parking.

Community Facilities: up to a floor area ratio of 3.0 and not more than 70 feet in height. The permitted use is Town-owned facilities for community use.

Governmental Use Categories: Public Building and Grounds, Parking and Community Facilities designated parcels which are owned by the Town may be used for any and all uses and activities consistent with any Town Commission approved public private partnership project or for any use or activity which the Town Commission finds provides a benefit to the community or is otherwise consistent with the inherent governmental functions of local government.

The following equivalency table applies to Town-owned properties designated as one of the Governmental Use Categories and provides maximum density, intensity and heights generated based on underlying Comprehensive Plan and Land Development Regulation development guidelines demonstrating density and intensity equivalents to ensure that a land use or zoning change of a property based on Town Ownership does not permit an increase in density, intensity or height of development in violation of the requirements of the Town Charter.

<u>Municipal Density and Intensity Equivalency Table</u>			
<u>Land Use District</u>	<u>Density</u>	<u>Intensity</u>	<u>Height</u>
<u>Moderate-High Density Residential (Zoning of H30C)</u>	<u>79 UPA</u>	<u>2.0</u>	<u>Two stories and 30 feet</u>
<u>Moderate-High Density Residential (Zoning of H40)</u>	<u>79 UPA</u>	<u>3.0</u>	<u>Three stories and 40 feet</u>
<u>Public Buildings and Grounds (Zoning MU(30))</u>	<u>79 UPA</u>	<u>2.0</u>	<u>Two stories</u>

			<u>and 40 feet</u>
<u>Public Buildings and Grounds (Zoning MU)</u>	<u>79 UPA</u>	<u>3.0</u>	<u>Three stories and 40 feet</u>
<u>Parking</u>	<u>79 UPA</u>	<u>3.0</u>	<u>Three stories and 40 feet</u>
<u>Community Facilities</u>	<u>109 UPA</u>	<u>3.0</u>	<u>70 feet</u>

Section 3. Transmittal. The Town’s Planning Consultant transmitted the Town of Surfside Comprehensive Plan Amendment to the Florida Department of Economic Opportunity in accordance with Florida Statute 163.3191 and all other units of local government or governmental agencies required by law for review after a vote on first reading and has reviewed and responded to the objections, recommendations and comments received.

Section 4. Adoption of Comprehensive Plan Amendments. Having reviewed and addressed the comments and recommendations from the Florida Department of Economic Opportunity and other reviewing agencies, the Town Commission, on _____, adopts on second reading, the amendments to the Town of Surfside Comprehensive Plan, as provided in Section 2 above.

Section 5. 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 6. Repeal of Conflicting Provisions. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 7. 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 Town of Surfside Comprehensive Plan; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “Ordinance” shall be changed to “Section” of other appropriate word.

Section 8. Effective Date. This Ordinance shall become effective, if the amendment is not timely challenged, 31 days after the State Land Planning Agency notifies the local government that the amendment package is complete. If a challenge is filed, the amendment becomes effective after issuance of a final order by the State Land Planning Agency or the Administration Commission. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ADOPTED on first reading this ____ day of October, 2018.

PASSED AND ADOPTED on second reading this ____ day of _____, 2018.

On Final Reading Moved by: _____

On Final Reading Second by: _____

FINAL VOTE ON ADOPTION:

Commissioner Barry R. Cohen	_____
Commissioner Michael Karukin	_____
Commissioner Tina Paul	_____
Vice Mayor Daniel Gielchinsky	_____
Mayor Daniel Dietch	_____

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, MMC, Town Clerk

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

Weiss Serota Helfman Cole & Bierman, P.L.,
Town Attorney



Town of Surfside Planning & Zoning Communication

Agenda Date: September 27, 2018

Subject: Fences and Hedges in the Front and Street Side

From: Sarah Sinatra Gould, AICP, Town Planner

The Town Commission requested that the Planning and Zoning Board (Board) evaluate the height and opacity requirements for fences in the front and street side yards. A speaker during the Good and Welfare portion of the July Town Commission meeting spoke of privacy concerns with the four foot high maximum height of a fence. Also, a resident who recently was approved for a fence sent an email expressing concerns also over the four foot high fence requirement as well as the requirement to have a maximum opacity of 50%. As lots are redeveloped and pools are installed towards the street side, a four foot high fence with a maximum opacity of 50% has presented challenges to homeowners.

The Planning & Zoning Board directed staff to prepare language to accommodate fences in the rear for corner properties facing the street. Below is proposed language:

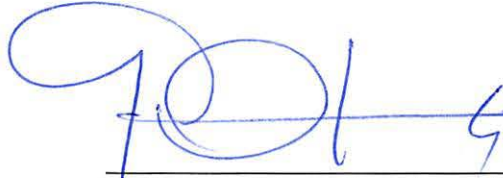
90-56.5 Modification of secondary frontage fence and ornamental wall regulations.

- (1) A fence that has a maximum opacity of 100 percent and a maximum height of six five-feet, as measured from grade, may project into or enclose the rear yard of a corner lot as defined by the orientation of the home. The fence shall not be placed in front of the front façade of the home. The fence shall have a three foot setback and shrubs shall be placed in front of the fence. up to 50 percent of the rear portion of the primary corner yard. provided that the fence shall be placed at least ten feet from the right of way line or the fence shall be aligned with the wall plane of the subject home.

(2) — An ornamental wall whose surface above two feet measured from grade maintains a maximum opacity of 50 percent and a maximum height of five feet, may project into or enclose up to 50 percent of the rear portion of the primary corner yard provided that the ornamental wall shall be placed at least ten feet from the right of way line or the ornamental wall shall be aligned with the wall plane of the subject home.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager



Town of Surfside Planning & Zoning Board Communication

Agenda Date: September 27, 2018

Subject: Increased Pervious Area for Single Family Lots

From: Sarah Sinatra Gould, AICP, Town Planner

A future agenda item for the Planning and Zoning Board (Board) was to evaluate ways to increase the minimum pervious requirements on single family lots. Research was conducted to determine the minimum pervious requirements of single family zoning districts in nearby established coastal communities in Miami-Dade County and Broward County. Below are the requirements for both minimum pervious area and maximum lot coverage that exist in Surfside today. Pervious area in Surfside is defined as: *Area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water directly into the ground. Pavers or pervious hard materials, including pervious concrete, shall not be utilized for the calculation of pervious area.* Lot coverage in the Town's code is defined as: *The percentage of the total area of a lot that, when viewed from above, would be covered by all principal and accessory buildings and structures, or portions thereof; provided however that allowable exclusions, as described under "floor area," shall not be included in determining the building area.*

Current Minimum Requirements

Zoning District	Existing Minimum Pervious Area Requirement	Existing Maximum Lot Coverage
H30A	35 %	40 %
H30B	35 %	40%
H30C	20 %	-
H40	20 %	-

The table below illustrates the minimum requirements in the sampled communities of Golden Beach, Miami Beach, Sunny Isles Beach and Lauderdale by the Sea. Based on the analysis, the Town of Surfside's current minimum pervious area requirement is equal to or greater than the listed coastal community's standards. While each municipality

defines pervious surface in its own unique manor, the general premise is that a pervious surface must allow the infiltration or percolation of water directly into the ground. Conforming pervious surface materials varies depending upon the municipality.

In Surfside, pavers or pervious hard materials, including pervious concrete, shall not be utilized for the calculation of pervious area, whereas in Golden Beach, the use of pervious pavers will be considered in the calculation of pervious area.

Minimum Requirements in the Sampled Communities

Community	Zoning District	Existing Minimum Pervious Area Requirement	Existing Maximum Lot Coverage
Golden Beach			
	SF	35%	65%
Miami Beach			
	RS-1	Front Yard: At least 50 percent of the required front yard area shall be sodded or landscaped pervious open space Rear Yard: At least 70 percent of the required rear yard shall be sodded or landscaped pervious open space Side Yard, facing a street: At least 50 percent of the required side yard area facing a street shall be sodded or landscaped pervious open space.	50%
	RS-2		50%
	RS-3		50%
	RS-4		50%
Sunny Isles Beach			
	R-1	Landscaping and green area must account for at least 25% of the total lot area	Shall not exceed 42%
Lauderdale by the Sea			
	RS-4	A minimum of 25 percent of the total gross area shall be devoted to landscaped pervious area.	Shall not exceed 40% of lot area
	RS-5	A minimum of 25 percent of the total gross area shall be devoted to landscaped pervious area.	-

Pervious Surface Interpretation

Golden Beach

Pervious Area means a permeable area of land within the Building Lot which permits the drainage and percolation of water.

- In all areas of installation, Artificial Turf which is installed consistent with the quality, installation and location requirements of this section shall be treated as pervious surface area.
- The use of pervious pavers will be considered in the calculation to the extent the applicant provides credible evidence of the permeability of the surface.

Miami Beach

No definition

- *Artificial grass shall be installed as a system that is pervious and contributes to storm drainage. The permeability shall be equal to or greater than that of natural grass.*

Sunny Isles Beach

PERMEABLE AREA or PERVIOUS AREA — Any portion of the ground unobstructed by a surface which prevents the natural seepage of water into the ground.

Lauderdale by the Sea

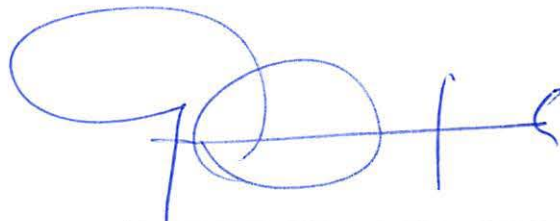
Pervious area: The area of a plot remaining after the impervious areas are subtracted.

- *Pervious brick material may not be counted towards the required landscaped pervious area.*

Staff Recommendation: Because Surfside does not count pavers towards pervious unlike other communities, the Town benefits from additional green spaces. Staff recommends no modifications to the ordinance.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager



Town of Surfside Planning & Zoning Communication

Agenda Date: September 27, 2018

Subject: Requiring Landscape Plans for Single Family

From: Sarah Sinatra Gould, AICP, Town Planner

The Planning and Zoning Board (Board) wishes to analyze requiring landscape plans for new single family homes and for renovations with an addition of at least 50 percent of the square footage of the existing single-family home.

The current code states that the following:

Sec. 90-95. - Single-family H30A and H30B district landscape requirements.

All new H30A and H30B dwellings shall conform to the following minimum landscaping requirements:

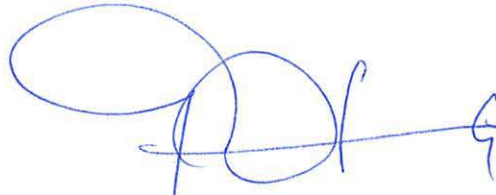
- (1) *Landscape plans:* H30A and H30B dwellings may submit landscape plans in the form of a H30A and H30B landscape data table, on a form provided by the town at time of permit application for review. This form shall include the required minimum landscape requirements, specifications and acceptable plant material choices to be chosen by the applicant. After the applicant has submitted a completed and signed form, a review of the form will be done to verify that all the requirements have been met. Landscape drawings are not required for H30A and H30B dwellings, however, plans are recommended.

Plans are not required for new construction or renovations. For new construction, a table is sufficient at building permit. A suggestion is to require landscape plans showing specifications and plan materials, however, it is recommended that it would not need to be signed and sealed by a landscape architect. Renovations currently do not require landscape plans or compliance with the landscape ordinance, unless the renovation impacts 50% of the value of the lot.

Recommendation: Require landscape plans demonstrating compliance with the Town's Landscape Ordinance for new single-family and renovations with an addition of at least 50% of the square footage of the existing single-family home.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager



Town of Surfside Planning & Zoning Communication

Agenda Date: September 27, 2018

Subject: Sidewalk Aesthetics and Uses on the West Side of Collins

From: Guillermo Olmedillo, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

The Planning and Zoning Board has an interest in increasing walkability on Collins Avenue included with a discussion on uses on the west side of Collins Avenue. There is currently not a requirement to dedicate additional easements for the purpose of widening sidewalks. Staff suggests requiring an additional five feet for an easement to allow a wider sidewalk. Currently there is a 20 foot front setback along Collins Avenue. Staff suggest that the five feet for the easement be included in the setback so that the applicants will not need to move their building further from Collins Avenue.

The code does not require primary uses along the west side Collins Avenue if it has unity of title with a lot on the east side of Collins. The code could be modified for unified lots to require a percentage of the primary uses on the east side to be located in buildings on the west.

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager

ITEM	OUTCOME	NEXT STEPS	TENTATIVE SCHEDULE	COMPLETE
FUTURE PZ DISCUSSION ITEMS				
Fences & Hedges in the front of single family residences	Discussion on hedge height in the front		September PZ	
Update to sign code	Need to make revisions to the sign code	Staff to prepare	Future PZ	
Stepback discussion	Commission has requested the PZ board analyze this requirement	Prepare visual and calculation of volume, how much square footage does this equate to	Future PZ	
Sidewalk aesthetics and crossing Collins Avenue	Prepare discussion item to determine if walkability can be improved. Combined with evaluating uses on the west side of Collins.		September PZ	
Impact fee discussion			Proposed in FY19 Budget	
Ways to increase pervious area of lots	Place on PZ agenda for discussion. Provide PZ with current standards		September PZ	
Landscape Plans	Require landscape plans for large scale renovations (renovations affecting more than 50% of the square footage of the house)	Future PZ	September PZ	
ON UPCOMING COMMISSION AGENDA				
Aggregation of Single Family	Requested by the Town Commission	Discuss limitations on building length relating to single family lots, if aggregated.	August Commission – First Reading, September second reading	
Circulation pattern	PZ discussion on pedestrian safety and walkability	Pilot project	Ongoing	Ongoing

ON FUTURE COMMISSION AGENDA

Commercial waste and recycling container screening	Screening for containers, green screen, vegetation, include pictures from Commissioner Kligman	Draft code amendment	Did not move forward
Driveway material regulations	Modify code to allow stamped concrete and concrete slabs with decorative rock or grass in between	Draft code amendment	Did not move forward
Painting of commercial structures	Town Staff to prepare ordinance	Prepare ordinance for commission	Did not move forward
COMPLETED			
Limitation on building length in H40 & H30C	Revisit building limitations as well as green walls to soften the breaks in the building.	PZ Review. Commission heard on first reading, March 13	April PZ Completed
H40, H30 & SDB40 Architecturally Significant ordinance	Review with PZ options for architecturally significant ordinance for other zoning districts.	PZ discussion	March PZ No action
Green Roofs	Requested by the Town Commission		February PZ No action
Photovoltaic incentives	Requested by the Town Commission	Discuss requiring solar panels for all residential properties.	February PZ No action
Driveway	Prepare code modification that limits a driveway so that it does not exceed the front plane of the home.		January Commission Complete
Give a foot, get a foot relating Sea Level Rise — Flat Roof vs. Pitch roof	Place on agenda for discussion on referendum	Prepare visuals, timeline and cross-section.	February Commission 2 nd reading Complete

<p>Roof Pitch of Single Family</p>	<p>Modify ordinance to include roof pitch above top of the truss as an architectural feature</p>	<p>Provide side by side elevation in current code to the top of the flat roof to demonstrate it is 3 feet above the top of a pitched roof.</p>	<p>February Commission 2nd reading</p>	<p>Complete</p>
<p>Trellis</p>	<p>Review if a trellis attached to the house is considered an accessory structure.</p>	<p>This has not been a reoccurring issue. Provide direction if this is necessary.</p>	<p>Trellis</p>	<p>This has not been a reoccurring issue. P</p>
<p>Average side setback /Massing</p>	<p>Modify ordinance for additional side setbacks on upper floors for single family homes</p>	<p>Direction if this is necessary. The Town has already modified the code to prohibit covered balconies counted towards setbacks.</p>	<p>Average side setback /Massing</p>	<p>The Town has already modified the code to prohibit covered balconies counted towards setbacks.</p>
<p>Modify ordinance for additional side setbacks on upper floors for single family homes</p>	<p>Modify ordinance for additional side setbacks on upper floors for single family homes</p>	<p>The Town has already modified the code to prohibit covered balconies counted towards setbacks.</p>	<p>Modify ordinance for additional side setbacks on upper floors for single family homes</p>	<p>The Town has already modified the code to prohibit covered balconies counted towards setbacks.</p>

Satellite dishes	Further review by staff	Direction if this is necessary. This issue has not come up as a problem and it is not clear if this is still desired to be regulated.	Satellite dishes	Further review by staff	This issue has not come up as a problem and it is not clear if this is still desired to be regulated.
Residential or commercial wind turbine regulations	Prepare ordinance regulating wind turbines including hurricane precautions, noise regulations, insurance considerations	Direction if this is necessary. This issue has not come up as a problem and it is not clear if this is still desired to be regulated.	Residential or commercial wind turbine regulations	Prepare ordinance regulating wind turbines including hurricane precautions, noise regulations, insurance considerations	This issue has not come up as a problem and it is not clear if this is still desired to be regulated.
Setback for parapet above 30 feet on single family homes	Prepare ordinance to require additional setback	Direction if this is still necessary as the code could be modified to encourage pitched roofs.	Setback for parapet above 30 feet on single family homes	Prepare ordinance to require additional setback	Direction if this is still necessary as the code could be modified to encourage pitched roofs.
Final Zoning Inspections	Town Manager will analyze	Building performs inspections	Final Zoning Inspections	Town Manager will analyze	Building performs inspections

			based on conditions on the plans: Need direction if anything further is necessary			based on conditions on the plans:
Requiring noticing for demolition of houses	Research option and place on agenda for discussion					Yes
Sign-Definitions	Modify sign definitions for monument and sign area		Drafted code amendment			
Carpools	Require improved surface on frame		Addressed in Code		September PZ	Yes
Provide summary on construction hours and noise ordinance	Place update on PZ agenda.				September PZ	Yes
Workforce housing update					September PZ	Yes
Add requirement for licensed architect for DRB submittals	Reviewing entire section relating to DRB		Draft code amendment			May Commission Agenda
Corridor Analysis	Study corridor between Collins & Harding		Prepare code amendments	Work authorization to be approved in NOVEMBER	January Commission	Complete
Single Family Paint Colors	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	Will add to Joint Meeting with PZ/Commission.	Complete

Parking Trust Fund	Discussion with the Planning & Zoning Board to provide a cap for payment into the fund	Ordinance on July PZ agenda	In contract	July Commission for 1 st reading, July PZ August Commission for 2 nd reading	Complete
Turtle Lighting	Town Staff to prepare review	No ordinance necessary. Turtle fighting already required in code.	COMPLETE	Turtle Lighting	Town Staff to prepare review
Downtown Color Palette	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	Replaced with repainting of structures.	Complete
Bay Drive & 96 th Street	Open Bay Drive off 96 th Street	Staff will research	Police and Building to research	No change. Police Chief cited safety concerns	COMPLETE
Sign/awning code	Discussed at Joint Meeting	Staff beginning to work on draft	Work Authorization approved	July Commission August Commission	COMPLETE
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	COMPLETE Added a program modification to FY2015 budget

Interpretation of base flood elevation for the H120 district	No change	No further action needed	N/A	COMPLETE
Solar panel regulations	Prepare ordinance regulating solar panels	Draft code amendment	March PZ	COMPLETE
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	December PZ	COMPLETE
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	
Garage door clarification	Modify code to remove requirement for two separate garage doors	Draft code amendment	November PZ	COMPLETE
10% window opening requirement per-story	Discussion with the Planning & Zoning Board	Prepare ordinance for commission	June PZ	November Commission for first reading
Landscaping in front of converted garage	Determine if landscaping planter is sufficient versus requiring landscaping.	Reviewed code and determined that planter is only permitted in cases where the driveway would be too short.	No further modification necessary	Yes
Sheds	Modify ordinance to increase square footage, but reduce height and add landscape requirements.	Draft code amendment	Discussed at March meeting.	Commission 1st reading in May PZ in May