



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

November 29, 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 Minutes – October 25, 2018

4. Applications:

- A. 400 92nd Street** – The applicant is requesting to convert their garage to approximately 318 square feet of additional living space.

5. Quasi-Judicial Items:

Please be advised that the following items on the Agenda are Quasi-Judicial in nature. If you wish to object or comment upon an item, please complete a Public Speaker's Card indicating the Agenda item number on which you would like to comment. You must be sworn in before addressing the Board and you may be subject to cross-examination. If you refuse to submit to cross-examination, the Board will not consider your comments in its final deliberation. Please also disclose any Ex-Parte communications you may have had with any Board member. Board members must also do the same.

A. 9300 Collins Avenue Site Plan & Conditional Use

6. Local Planning Agency Items:

A. Corner Lot Fences

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-56.5 “MODIFICATION OF SECONDARY FRONTAGE FENCE AND ORNAMENTAL WALL REGULATIONS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADDRESS FENCE AND SHRUB REQUIREMENTS 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.

B. Reasonable Accommodation Procedure

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA CREATING SECTION 90-100 “REASONABLE ACCOMMODATION PROCEDURES” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO PROVIDE REASONABLE ACCOMMODATION PROCEDURES FOR DISABLED PERSONS UNDER THE FAIR HOUSING ACT AND AMERICANS WITH DISABILITIES ACT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

7. Discussion Items:

- A. Landscape & Drainage Requirement for Single Family – Verbal Update from Ross Prieto, Building Official**
- B. Widening of Sidewalks on Collins Avenue (A1A)**
- C. Freeboard & Height Discussion**
- D. Future Agenda Items**

8. 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
PLANNING & ZONING BOARD
MINUTES**

October 25, 2018 – 6:00 p.m.

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

1. Call to Order/Roll Call

Chair Lecour called the meeting to order at 6:02 p.m.

Present were Chair Lindsay Lecour, Vice Chair Judith Frankel, Board Member Peter Glynn, Board Member Brian Roller, Board Member Jorge Garcia, Board Member Rochel Kramer, Board Member Marina Gershanovich.

Also present were Assistant Town Manager Duncan Tavares and Town Planner Sarah Sinatra Gould.

2. Town Commission Liaison Report – Vice Mayor Gielchinsky
Vice Mayor Gielchinsky was not present to provide a report.

3. Approval of September 27, 2018 Planning and Zoning Board Meeting Minutes
Vice Chair Frankel made a motion to approve the September 27, 2018 Planning and Zoning Board Meeting Minutes as written. The motion was seconded by Board Member Glynn and all voted in favor.

4. Applications:

A. 8810 Garland Avenue - The applicant is requesting to make exterior modifications to the front of the house associated with interior renovations.

Town Planner Sinatra Gould introduced the item and stated that Staff had no additional conditions on the application.

Chair Lecour asked the applicant's representative about the palm trees that currently exist in the patio and what they will be replaced with. Architects of the project stated that the existing palm trees' roots are damaging the pavers and they are creating some new landscaping to replace the ones being removed.

Board Member Roller made a motion to approve as recommended. The motion was seconded by Vice Chair Frankel and all voted in favor.

B. 500 Surfside Boulevard - The applicant is requesting to enclose an existing front porch for and addition of 121 square feet of living space.

Town Planner Sinatra Gould introduced the item and stated that Staff had no additional conditions on the application. She stated that the applicant received approval from DRB previously for this work. This is just to include the additional porch.

Vice Chair Frankel made a motion to approve as recommended. The motion was seconded by Board Member Roller and all voted in favor.

5. Local Planning Agency Items:

A. 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.

Deputy Town Clerk Riera read the title of the ordinance.

Town Planner Sinatra Gould asked the Board to come back to this item after she has reviewed the item with the Town Attorney.

The item was then heard after item 6F.

Town Planner Sinatra Gould explained that the pie shaped lots are aggregated and that this ordinance is almost grandfathering a home already developed on it and that they can go back to the setbacks they originally had. The configuration would be with the existing 10% as the code currently requires.

Chair Lecour stated that this limits the massing of homes built on aggregated lots by increasing the setbacks and reducing the second story and ran into unusual circumstances with pie shape lots.

Town Planner Sinatra Gould explained that if a lot is already aggregated and developed on any developed lot, they would follow the 10% side setback instead of the additional 15%.

Discussion continued regarding the aggregated lots, the pie shaped lots, the setbacks and to try to remove the grandfathering of the lots. There was also discussion on increasing from a 10% side setback to a 15% side setback on the lots.

Town Attorney Mehaffey stated that they could strike out the clause that grandfather's the structure which reads "which has not been used as a single development site within the last 6 months" from three sections in the Ordinance.

Town Attorney Mehaffey explained that the 10% setback was including the ones for the pie shaped lots. This requirement will narrow the frontage and the impact will be different on every single lot. If the Board wants to compromise, they can incorporate a 20-foot front setback and take away the grandfathering clause.

Board Member Roller made a motion to recommend to the Town Commission with the amendment to strike where it states, "which has not been used as a single development site within the last 6 months" from three sections in the Ordinance. The motion was seconded by Vice Chair Frankel which carried 5-0 on roll call vote.

6. Discussion Items:

A. Downtown Vision Advisory Reinstated – [*Verbal*]

Town Planner Sinatra Gould gave a verbal update on the Downtown Vision Advisory Board and there is a group that will be taking up this item and reviewing it.

B. Resiliency Strategy – Sustainability Board Reinstated – [Verbal]

Town Planner Sinatra Gould gave a verbal update on the item and she stated that the Town Commission reinstated the Sustainability and Resiliency Committee and they will report directly to the Town Commission.

C. November and December Meeting Dates – [Verbal]

Town Planner Sinatra Gould introduced the item to the Board and the Board decided to keep the November 29th meeting and not have a meeting in December.

D. Single Family Parking Requirements

Town Planner Sinatra Gould introduced the item to the Board as per their request regarding garage conversions and the requirements. She presented her analysis of the garage conversion approvals in the past.

Discussion amongst the Board members continued on this item.

E. Parking Trends

Town Planner Sinatra Gould introduced the item to the Board and explained the Town’s Parking Code and gave a history of the consultant’s study of the parking needs and the deficiencies that were found.

Assistant Town Manager Tavares advised the Board that this item will go before the Town Commission as a discussion item in order to receive direction from the Town Commission on how to proceed.

Discussion on the item continued among the Board members and the issues encountered.

F. Future Agenda Items

Town Planner Sinatra Gould introduced the item to the Board. The Board would like to have the graphics for setbacks at next month’s meeting as well as discussion on the landscaping and drainage with the Building Official.

Discussion on the resiliency item being brought back before the Board in order to change the base board elevation and modification and direction from the Town Commission will be required. The Board decided to bring this back next month for further discussion.

7. Adjournment

There being no further business to discuss before the Planning & Zoning Board, Board Member Glynn made a motion to adjourn. The motion was seconded by Board Member Roller and all voted in favor. The meeting adjourned at 6:47 p.m.

Accepted this _____ day of _____, 2018

Chair Lindsay Lecour

Attest:

Sandra Novoa, MMC
Town Clerk



ITEM NO. 4A

MEMORANDUM

To: Planning & Zoning Board
Thru: Guillermo Olmedillo, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Kathy Mehaffey, Town Attorney
Date: November 29, 2018
Re: 400 92nd Street – Garage Conversion

The property is located at 400 92nd Street, within the H30B zoning. The applicant is requesting to convert their garage to approximately 318 square feet of additional living space.



Staff has reviewed the current application for consideration by the Design Review 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. 90-50.1 (5) Garage Facades

Required	Proposed
1 window	1 window is proposed on the front.
Landscaping required along the base	Landscape area is shown, but indicates only grass. Landscape plants are required.

Sec. 90-77 Off-street Parking Requirements

Required	Minimum Space Requirements	Proposed
Single-family	2 spaces	2 spaces are provided in existing driveway

Windows and Trims

Required	Proposed
Window styles should always be consistent among all elevations of a building.	Consistent.
Frame materials should never vary on a single building.	No variation.
Window, door and eave trim should be consistent on all elevations of the house	Consistent.

RECOMMENDATION

Staff recommends approval subject to the following condition:

1. Landscaping to be added along the base of the previous garage door area per Town Code requirements.



ITEM NO. 5A

Town of Surfside Planning & Zoning Communication

Agenda Date: November 29, 2018

Subject: 9300-9380 Collins Avenue Townhomes

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

Table of Contents:

1. Site Plan Report
2. Application and Letter of Intent
3. Prior Resolution approved 01-19-17
4. Conditional Use Report
5. Miami Dade Office of Historic Preservation Staff Report
6. Traffic Statement
7. Site Plan Package

REQUEST:

The agent for the applicant, Neisen Kasdin of Akerman, LLP on behalf of the owner, Eden Surfside, LLC is proposing a site plan for the construction of 205 hotel rooms located on the west side of Collins Avenue between 93rd Street and 94th Street with the addresses of 9300-9380 Collins Avenue. On January 19, 2017 a site plan for the construction of 68 townhouse units was approved by the Town Commission.

BACKGROUND:

There were approximately 100 multifamily units within this property that have either already been demolished or will be demolished. The façade of the building at 9340 Collins Avenue, which is within this site, has been designated historic by Miami Dade County. The façade will remain and will be located at the vehicular entrance and exit of the property. The 2016 staff report from the Miami Dade Office of Historic Preservation detailing the conditions of approval from the County is included in this report. The applicant requested the County to review the revised application; the County found that the changes relating to the historic structure were not significant and were approved administratively.

The prior application, which is currently still in effect, proposed a 68 unit, three story townhouse with roof top amenities and forecourts in the fronts of the units. The application was heard by the Planning and Zoning Board on July 18, 2016 and it was recommended for approval by the Board, however, the Board did request that the Applicant meet with neighbors to address their concerns. The neighboring property owners who attended the Planning and Zoning Board meeting expressed concerns over the proposed development. The neighbors had serious concerns about the limitation of air flow due to the building length, the potential of glass reflecting into their properties, the potential of seismic impacts from the construction and numerous additional concerns. The design included one building spanning from 93rd Street to 94th Street with no separations of structures, which met the code requirements. This was ultimately approved by the Town Commission and is still valid. Conditions, including seismic monitoring, were included in the resolution.

The Town's Planning and Zoning Board as well as the Town Commission shared the neighbor's concerns that buildings without breaks would restrict light and air. The Town Commission directed Staff to prepare an ordinance limiting building length.

The code was amended on May 8, 2018 to provide options, which include either providing no greater than 150 feet in length per building, or no greater than 250 feet in length per building by utilizing an equivalency of separations. Meaning, that an applicant could have a building of 250 feet in length, but the length of the separation of the two buildings on the site would need to be equivalent to the length of the separation that would be required in the 150 foot scenario. This results in a more substantial separation.

Utilizing the equivalency option, the required separation of buildings for this project is 51 feet 8 inches. The applicant is providing a 73 foot 8 inch separation, which exceeds the code by 22 feet. The code also allows for a one story connection of the buildings. The applicant is proposing to connect the two buildings at the third floor, which will require a 35 foot setback from Collins Avenue. The applicant is proposing a 45 foot 10 inch setback, which exceeds the minimum setback by 10 feet 10 inches.

The plans also include 348 parking spaces, 68 of which are tandem, with mechanical lifts. This requires a valet parking service. The applicant must enter into an agreement, recorded in the public records at the expense of the owner, which shall run with the land and shall bind the heirs, successors, and assigns of said owner providing 24-hour valet parking service.

Conditional Use

The project requires conditional use approval for the use of the hotel pools. The applicant is proposing three rooftop pools in connection with this site plan.

STAFF FINDINGS

The proposed project meets the requirements of the Town Code for approval of the site plan and conditional use applications. Staff proposes that all applicable said conditions be incorporated into the Resolution to the Town Commission. Staff will also be proposing to the Town Commission that if this project is approved, the prior site plan approved on January 19, 2017, Resolution No. 2017-Z-2418, shall no longer be valid.

Budget Impact: The developer has proffered voluntary contributions listed in the attached letter of intent to mitigate off-site impacts. The total contribution is \$272,000.

Growth Impact: The proposed development will have a total of 310,652 gross square feet replacing 81,014 gross square feet that has or will be demolished for an overall increase of 229,638 gross square feet. The maximum density of the property will permit 135 dwelling units or 250 hotel rooms. The applicant is proposing 205 hotel rooms. 100 dwelling units were previously existing on this property. Of those units some have already been demolished and the remainder will be demolished during the construction of the townhouses.

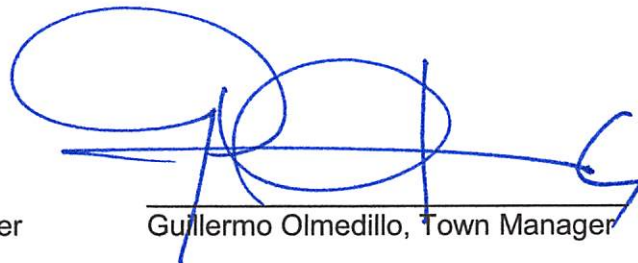
Staff Impact: The applicant has funded the review through the cost recovery process and the building permit review will be funded through the building permit fees.

Conditions of Approval: If the application is to be recommended for approval by the Planning and Zoning Board, staff proposes the following conditions:

1. All applicable conditions of approvals included in Resolution 17-Z-2418.
2. The Applicant's voluntary proffer to contribute \$272,000 to the Town, to be paid prior to the issuance of the first building permit.
3. The rooftop pools & deck hours of operation shall be limited from dawn until dusk.
4. The applicant shall enter into an agreement, recorded in the public records at the expense of the owner, which shall run with the land and shall bind the heirs, successors, and assigns of said owner provide 24-hour valet parking service.



Sarah Sinatra Gould, AICP, Town Planner



Guillermo Olmedillo, Town Manager

SITE PLAN REPORT

SITE PLAN INFORMATION:

Address	9300-9380 Collins Avenue
General Location	West side of Collins Avenue between 93 rd and 94 th Streets
Property Size	TOTAL: 2.89 gross acres
Zoning District	H40
Adjacent Zoning Districts	H40 & Municipal to the north, south and west H120 to the east
Future Land Use	Moderate Density Residential Tourist and Parking
Density Permitted	108 hotel units per acre X 2.73 acres = 294 hotel rooms X 15%(reduction in density based on aggregation) TOTAL PERMITTED= 250 hotel rooms
Density Proposed	TOTAL PROPOSED: 205 hotel rooms
Number of parking spaces	TOTAL Provided: 348 spaces TOTAL Required: 341 spaces

ZONING CODE, APPLICABLE REQUIREMENTS

Sec. 90.42

Minimum Unit Sizes	Minimum Required	Proposed
Hotel Rooms	350 square feet	436-730 square feet

Sec. 90.43

Maximum Building Heights	Maximum Required	Proposed
H40	40 feet maximum	40 feet

Sec. 90.44

Modification of Height	Maximum Permitted	Proposed	Must be of high architectural quality integral to the design of the building
H40	12 ft. 10% of roof area	9.5% of roof 10 feet, 8 inches	The mechanical equipment, rooftop decks and parapet walls meet these criteria.

Sec. 90.45(b)

Minimum Required Setbacks		Proposed
Front (Collins Avenue)	20 ft, with 5 additional feet above 30 feet.	20 ft with 25 ft setback for upper story
Side (93 rd and 94 th Streets)	10ft – H40 district	10 ft
Rear	10 ft	10 ft

Sec. 90.47.1 Yards generally, allowable projections

Required	Proposed
Every part of a required yard shall be open to the sky, except ordinary projections of sills, cornices, roof eaves and ornamental features may project not more than 24 inches into any required yard.	Projections not proposed

Sec. 90.49

Lot Standards	Required	Proposed
Minimum Lot width	50 feet	560 Feet
Minimum Pervious area	20%	21%

Sec. 90.50.1(2)

Architecture	Required	Proposed
All elevations for new structures and multi-story additions (additions greater than fifteen (15) feet in height)	Minimum of 10% wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.	Project meets or exceed 10% wall openings
Roof materials are limited as follows:	<ul style="list-style-type: none"> a. Clay Tile; or b. White concrete tile; or c. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is granted approval by the Design Review Board; d. Architecturally embellished metal if granted approval by the Design Review Board; or 	Roof deck includes three pools.

	e. Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.	
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Sec. 90.50.2 (3)

Roof Deck Provisions	Required	Proposed
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	38 %
	b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;	40 feet
	c. Minimum setback of 10 feet from the roofline on all sides	13 feet with railing provided

Sec. 90.51(1)

Maximum frontage of buildings	Required	Proposed
H40	For every 75 feet, a minimum 6 foot change in wall plane.	After 75 feet there is a 6 foot horizontal change in wall plane

Sec. 90.61.1

Paving in front and rear yards in H30 & H40 Districts	Required	Proposed
Front setbacks, amount that may be paved with any type of material that is not readily permeable by rainwater and groundwater.	Maximum 50% paved	29% paved
Front Yard Landscaping	Minimum 30%	64%
Rear Yard Landscaping	Minimum 20%	96%

Sec. 90.67.2

	Required	Proposed
Underground utilities	All utilities including telephone, cable, and electrical systems shall be installed underground.	The lines will be installed underground.

Sec. 90.77(c)

Off-Street Parking	Minimum Required	Proposed
	341 Spaces	348 Spaces

Sec. 90.83

Off-Street Loading	Minimum Required	Proposed
Multifamily building 20,000 – 100,000 square feet	2 space on site	2 spaces

Sec. 90.91

Vegetative Provisions	Minimum Required	Proposed
Xeriscape in pervious area	40%	40%

Sec. 90.91.2

Buffers	
Landscape buffer adjacent to streets and abutting properties	Application meets or exceeds all requirements.

Sec. 90.93

Open Space	
	Application meets or exceeds all requirements.

APPLICATION AND LETTER OF INTENT

Permit # 18-610



DRB Meeting	___/___/20__
Application / Plans Due	___/___/20__


**TOWN OF SURFSIDE
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION**

A complete submittal includes all items on the "Multifamily and Non-Residential Site-Plan Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	Eden Surfside, LLC.
PHONE / FAX	305-787-3998 / no fax
AGENT'S NAME	Neisen Kasdin, Akerman LLP
ADDRESS	98 SE 7th Street, Suite 1100, Miami, FL 33131
PHONE / FAX	305-374-5600 / 305-374-5095
PROPERTY ADDRESS	9380, 9372, 9364, 9348, 9340, 9332, 9316 and 9300 Collins Avenue
ZONING CATEGORY	H40
DESCRIPTION OF PROPOSED WORK	demolition of all existing improvements, construction of 3-story hotel building see enclosed letter of intent for further details

<u>INTERNAL USE ONLY</u>			
Date Submitted	_____	Project Number	_____
Report Completed	_____	Date	_____
Fee Paid	\$ _____		

<u>ZONING STANDARDS</u>	Required	Provided
Plot Size	_____	_____
Setbacks (F/R/S)	_____ _____ _____	_____ _____ _____
Lot Coverage	_____	_____
Height	_____	_____
Pervious Area	_____	_____


SIGNATURE OF OWNER

5/16/18
DATE


SIGNATURE OF AGENT

5/21/18
DATE



TOWN OF SURFSIDE
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION
PLANNING AND ZONING BOARD Rules and Procedures (June 2002)

The Planning and Zoning Board shall generally meet the last **Thursday** of each month at 7:00 pm. at Town Hall.

Plans and completed applications (including all supporting documentation) must be submitted to the Building Department at least 21 days prior to the meeting, with the payment of applicable fees (example: \$200.00 for Plan Review for Zoning), at which time they will be considered. Incomplete plans and applications will not be processed.

The applicant or duly authorized agent (per ownership affidavit) must be present at the meeting. If there are no applications for consideration by the Planning and Zoning Board, the monthly meeting may be cancelled at the discretion of the Chairman of the Board.

Please advise the name of the Representative who will attend the hearing on behalf of this application:

Neisen Kasdin

NAME OF REPRESENTATIVE

5/21/18

DATE



**TOWN OF SURFSIDE
SUBMISSION CHECKLIST
MULTI-FAMILY AND NON-RESIDENTIAL SITE-PLAN APPLICATION**

Project Name _____ Project Number _____

SUBMITTAL REQUIREMENTS FOR REVIEW:

- Completed "Multi-Family and Non-Residential Site Plan Application" form
- Application fee: \$12,000 made out to "Town of Surfside"
- Ownership Affidavit
- Recent photographs of the subject property and all abutting, diagonal and fronting properties visible from the street (to be provided prior to Design Review Board Meeting)

FOR THE FOLLOWING PLEASE PROVIDE:

- Two (2) full sized sets (24" x 36" sheets) of complete design development drawings signed and sealed
- One (1) CD, with site plan in PDF format, or other common windows based format.
- Provided prior to Design Review Board Meeting - Fifteen (15) reduced sized sets (11" x 17" sheets) of the complete design development drawings
- Site Plan (Minimum scale of 1" = 20').
Please show / provide the following:
 - A legal description, including the section, township, and range or subdivision lot and block.
 - Site boundaries clearly identified, and ties-to-section corners
 - Proposed uses
 - Location and height of all structures and total floor area with dimensions to lot lines, and designations of use
 - Building separations
 - Vehicular circulation system for cars, bicycles, and other required vehicle types, with indication of connection to public rights-of-way
 - Location of all parking and loading areas
 - All adjacent rights-of-way, with indication of ultimate right-of-way line, center line, width, paving width, existing median cuts and intersections, street light poles, and other utility facilities and easements
 - Location of all cross streets and driveways within three hundred fifty (350) feet of property limits
 - Pedestrian circulation system
 - Provider of water and wastewater facilities
 - Existing and proposed fire hydrant location
 - The following computations:
 - Gross acreage
 - Net acreage

Cont.



- Gross acreage covered by the property excluding road easements and rights-of-way, if any
 - Number of dwelling units and density for residential uses only
 - Square footage of ground covered by buildings or structures and designation of use.
 - Required number of parking spaces
 - Number of parking spaces provided
 - Pervious, impervious and paved surface, in square footage and percentage
 - Site Plan location sketch, including section, township, and range, showing adjacent property owners
 - Geometry of all paved areas including centerlines, dimensions, radii, and elevations
 - Location of trash and garbage disposal system and provisions for accessibility to garbage trucks
 - Loading areas and provisions for accessibility to vehicles of the required type
 - Areas for emergency vehicles and fire engines, and provisions for accessibility to vehicles of the required type
 - Number of sets required shall be determined by Town Staff.
 - Other such information as required by the Town.
- Survey. A survey less than one (1) year old (including owner's affidavit that no changes have occurred since the date of the survey). The survey shall be prepared by a Florida registered land surveyor, certified as to meeting the requirements of the applicable Section of the Florida Administrative Code, reflecting existing natural features, such as topography, vegetation, existing paving, existing structures, and water bodies
- Landscape Plan and Irrigation Plan
Please show / provide the following:
- landscape calculations (required and provided)
 - existing tree survey with indication of existing native vegetation that will be preserved
 - proposed and existing landscaping
- Lighting Plan
Please show / provide the following:
- photometric measurements
 - Lighting details and spillage onto adjacent properties and rights-of-way
- Sign Plan for all signs which will be on site
Please show / provide the following:
- Show dimensioned locations and mounting details of signs on building elevations and locations of signs on site plan
 - Note colors, materials, lighting and dimensions
 - Show dimensions and square footages (proposed and existing)
 - Identify materials and colors – background, trim/border, and copy
 - Show fonts and graphics
- Pavement markings and traffic signing plan
- Schematic water and sewer plan
Please show / provide the following:
- Location and size of all mains and lift stations



Cont.

- Paving and drainage plans
Please show / provide the following:
 - location of all drainage features and retention areas, if any

- Architectural Elevations (Minimum scale of 1/8" = 1')
Please show / provide the following:
 - Separate elevations of all sides of existing and proposed buildings with all dimensions, including height.
 - Label exterior materials, color, texture and trim, roof material, Roof color and pitch, windows, doors, screens, skylights and all exposed mechanical equipment and screening
 - Provide color elevations, showing all material finishes, textures and landscaping for all elevations of the proposed building(s) and structure(s), which should include at a minimum:
 - All exterior materials, colors and finishes, keyed to samples provided
 - Roof slopes and materials including specifications and color
 - Detail of doors, windows, garage doors
 - Dimensions of structure(s) - height, width, and length
 - Deck, railing, stairs details including materials, colors, finishes, and decorative details
 - Exposed foundation treatment
 - Gutters and eaves

- Provide samples of colors and/or materials mounted on a display board (to be provided prior to Design Review Board Meeting)

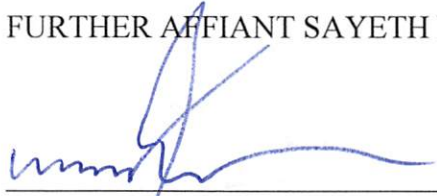
- Such additional data, maps, plans, or statements as the Town may require to fully describe and evaluate the particular proposed plan

Affidavit of Ownership

I, Menachem Boymelgreen, am over the age of 21 and otherwise am *sui juris*, and being duly sworn, allege and state:

1. I am the Manager of Eden Surfside, LLC.
2. Eden Surfside, LLC is the owner of the real properties located at 9380, 9372, 9364, 9348, 9340, 9332, 9316 and 9300 Collins Avenue (the "Properties").
3. The Properties are further identified by the Miami-Dade County Property Appraisers Office by Folio Numbers 14-2235-006-0300, 14-2235-006-0290, 14-2235-006-0280, 14-2235-006-0270, 14-2235-006-0260, 14-2235-006-0250, 14-2235-006-0240 and 14-2235-006-0220.
4. I understand that Eden Surfside, LLC is submitting an application to the Town of Surfside for approval of plans to redevelop the Properties.
5. I hereby authorize Eden Surfside, LLC and its designees, to take the steps necessary to obtain the development approvals for the Properties in accordance with said plans.

FURTHER AFFIANT SAYETH NAUGHT.



 signature

Menachem Boymelgreen, Manager of Eden Surfside, LLC

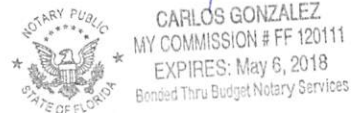
STATE OF FLORIDA
 COUNTY OF DADE

The foregoing instrument was acknowledged before me by MENACHEM BOYMELGREEN
 who is personally known to me or has produced FDL as
 identification.

My commission expires MAY 6, 2018



 Notary Public, State of FL



May 24, 2018

Guillermo Olmedillo
Town Manager
Town of Surfside
9293 Harding Avenue
Surfside, FL 33154

RE: Site plan review for proposed hotel project at 9300 – 9380 Collins Avenue

Dear Mr. Olmedillo,

Our firm represents Eden Surfside, LLC (the "Applicant"), the owner of the properties which span from 93rd to 94th Streets (9300 – 9380 Collins Avenue) facing Collins Avenue, located in Surfside (the "Property").

The Property is mostly located in the Moderate Density Residential / Tourist future land use category (2.73 acres), with a small portion (0.16 acres) that fronts onto Harding Avenue that is designated Parking on the future land use map. The entire Property is zoned H40. The use of the portion of the Property that fronts onto Harding Avenue will be passive open space that is landscaped.

The proposed use is a hotel with 207 rooms¹ in a 3-story building that is 38'-8" tall with 343 parking spaces provided below grade, which is 13 more spaces than required by the Town Code. The hotel will be operated as a kosher hotel, catering to Jewish clientele but open to the general public.

Kosher food is becoming increasingly more popular. People from all walks of life are embracing kosher foods for numerous reasons such as dietary and health reasons, food quality, purity and safety. Kosher certification appears on over 60% of America's manufactured foods. The hotel would be the first strictly kosher hotel in the United States. It is located less than one block away from one of the largest synagogues in Dade County, The Shul. In accordance with the laws

¹ The maximum allowable number of rooms is 2.73 acres x 108 rooms/acre x 85% reduction for aggregation = 250 rooms.

of Shabbat, observant Jews are prohibited to operate motor vehicles on Shabbat. The location of the hotel will serve the growing needs of the surrounding Jewish community.

The ground floor of the hotel is separated into two halves, divided by the historic façade of the 9340 Collins building, which is being preserved in place and will contain a publicly accessible exhibit space that will contain historical photographs, memorabilia, timelines and other materials to educate visitors on the history of the Town of Surfside. A driveway for valet drop-off and pick-up functions wraps around both sides of the historic façade, which allows a vehicle stacking distance of approximately 185 feet, enough to accommodate nine (9) cars, allowing 20 feet for each car. The provided stacking distance will allow for enough cars to queue in line without having the queue back up into the travel lanes of Collins Avenue as demonstrated in the traffic study.

The north half of the ground floor contains the lobby, lobby lounge and front desk, as well as a 1,790 square foot restaurant and 730 square foot kitchen. The far north end of the ground floor contains a mechanical room.

The south half of the ground floor contains a 9,395 square foot ballroom and pre-function space that is served by its own kitchen located at the far southern end of the ground floor. There are two loading spaces off of 93rd Street as well as the entrance and exit driveway down to the basement level where all of the parking spaces for the hotel are located.

The building has been designed to meet the regulations of the recently enacted Ordinance No. 1682 which limits the length of one continuous building. Under the new ordinance, the total required building separation area would be 51'. In accordance with the new ordinance, the project provides two building separation equivalency areas on both sides of the historic façade. The building separation equivalency area on the south side of the historic façade is 33'-8" wide and the building separation equivalency area on the north side of the historic façade is 40' wide for a total building separation area of 73'-8", which is 22'-8" more than what is required. The building separation equivalency areas are spanned at the third floor by a one-story connection which is setback 45'-10" from the front building line, which is 10'-10" more than the required setback of 35'. The break in the building is accentuated by the preservation of the historic façade in the middle of the break.

Until recently, with the demolition of some of the buildings on the Property, the Property had 101 multifamily units. As demonstrated in the traffic study, having the Property built out with 207 hotel rooms generates less PM peak hour traffic than the 101 residential units.

Furthermore, the prior and existing buildings on the Property had six (6) separate curb cuts onto Collins Avenue, including a few 90-degree parking spaces that back out directly onto Collins Avenue. The proposed project will consolidate the scattered curb cuts on Collins Avenue into two curb cuts for the valet drop-off and pick-up functions, thus greatly improving traffic flow, safety and the pedestrian environment on Collins Avenue.

The designated façade will serve as a visual focal point and organizing element for the proposed building. The juxtaposition of the historic façade, with its Streamline Moderne style of curving forms and long horizontal lines, against the proposed architecture that is based off of rectangular shapes, provides a visually interesting focal point and an affirmation of the significance

of the preceding historic architectural style of the Bougainvillea Apartments. For the previous incarnation of the project as a multifamily residential project the County HPB approved a certificate of appropriateness. Recently, the Applicant met with the Chief of Historic Preservation to review and discuss the proposed hotel project and the Chief of Historic Preservation indicated that the use and treatment of the historic façade for the hotel was similar enough that administrative approval of the certificate of appropriateness would be required for the hotel project.

All of the major features of the designated façade will be kept intact, including the eyebrows, the grid pattern above the upper corner windows, the rectangular concrete block vents, the portholes and the vertical fluting. The existing metal railings on the east facing façade are proposed to be matched with silver colored aluminum railings. The existing color scheme of the designated façade, which is not original, is proposed to be changed to a neutral, off-white color to be consistent with the color scheme of the proposed building.

The Applicant recognizes that there will be some impact to the Town from the new construction and the proposed project. Therefore, in order to mitigate off-site impacts of the proposed project the Applicant makes the following voluntary proffers, to be paid prior to the issuance of a building permit for the proposed project:

1. Replacement of two police vehicles at \$35,000 each for a total of \$70,000;
2. One, three-yard garage container, total of \$22,500;
3. One, new dog station at the Paws Up Dog Park, total of \$8,000;
 - a. The Town may reallocated up to \$30,500 from the voluntary proffers identified above to Parks and Recreation or the Community Center.
4. \$30,500 to be used for Parks and Recreation or the Community Center.
5. \$141,000 to be used at the Town Manager's discretion.

Total proffers of \$272,000.

We believe the proposed project will provide a much needed, family-oriented, kosher hotel that caters to the large Jewish population in the Town and surrounding area and will increase the functionality and safety of Collins Avenue for both pedestrians and motorists. It also incorporates the historic façade in a way that is respectful to the significance of the Bougainvillea Apartments, serves as a centerpiece for the proposed project and complies with the new ordinance regulating the maximum building length in the H40 district. We look forward to working with your professional staff during the review of the proposed project.

Sincerely,



Neisen O. Kasdin

**RESOLUTION NO: 2017-Z-2418
APPROVED JANUARY 19, 2017**

RESOLUTION NO. 17-Z- 2418

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING A SITE PLAN TO PERMIT THE DEVELOPMENT OF PROPERTY LOCATED ON THE WEST SIDE OF COLLINS AVENUE BETWEEN 93RD STREET AND 94TH STREET WITH THE ADDRESSES OF 9300-9380 COLLINS AVENUE FOR 68 TOWNHOUSE UNITS WITH CONDITIONS OF APPROVAL; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

I. RECITALS.

WHEREAS, CATON REALTY HOLDING, LLC (“Applicant”), Manager of the properties located at 9300, 9316, 9322, 9340, 9348, 9364, 9372, 9380 Collins Avenue, Surfside, FL 33154, with a general location of the west side of Collins Avenue between 93th Street and 94th Street, Surfside, FL, (the “Property”) submitted an “Application” on February 17, 2016, requesting site plan approval from the Town of Surfside, Florida for a development of 68 townhouse units on behalf of multiple owners; and

WHEREAS, the Property is currently developed with 100 multifamily units which are proposed to be or have been demolished; and the building façade at 9340 Collins Avenue has been designated as historic by the Miami-Dade County Historic Preservation Board and it will remain and function as the lobby for the townhouse development; and

WHEREAS, plans are on file and may be examined in the Building Department entitled “9300-9380 Collins Avenue,” which plans may be modified at a public hearing (hereinafter referred to as the “Plans”) prepared by Arquitectonica consisting of Plan sheets A0.000, A0.101, A0.102, A0.103, A0.104, A0.105, A0.106, A1.100, A1.101, A1.102, A1.103, A1.104, A1.105, A2.101, A3.101, A4.101, R1.101, R1.102, R1.103, R1.104, R1.105, C-1, C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, C-10, C-11, TD-1, L-1, L-2, L-3, L-4, L-5, L-6, L-7, L-8, IRR-1, IRR-2, IRR-3.

Legal Description: See attached Attachment “A” “Legal Description”

ADDRESS: 9300, 9316, 9322, 9340, 9348, 9364, 9372, 9380 Collins Avenue, Surfside, FL 33154

WHEREAS, on May 23, 2016, the Town’s Development Impact Committee, after notice posted on the Town’s website, met in a televised meeting, reviewed the Application and discussed the application and provided guidance to the Applicant regarding the criteria set forth in the Town’s Zoning Code; and

WHEREAS, on July 18, 2016, the Planning & Zoning Board, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the

requirements of the Town Zoning Code and the Application's consistency with the Town of Surfside Comprehensive Plan and recommended the Application for approval with conditions by the Town Commission; and

WHEREAS, on January 19, 2017 the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application from its professional staff, the Applicant, and members of the public, and considering the recommendation of the Planning & Zoning Board, the requirements of the Town Zoning Code, the Application's consistency with the Town of Surfside's Comprehensive Plan, and the substantial competent evidence presented at the hearing.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS AND/OR ASSIGNS, AS FOLLOWS:

II. INCORPORATION OF RECITALS AND FINDINGS OF FACT.

A. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.

B. The Town Commission finds that the proposed Site Plan as conditioned is in compliance with the requirements and criteria set forth in the applicable Town Code and the Comprehensive Plan, and approves the Site Plan with conditions of approval as stated below.

III. APPROVAL AND CONDITIONS OF APPROVAL.

A. The Applicant's request for approval of the site plan, consisting of 68 townhouse units, is granted with conditions.

This approval incorporates the conditions of approval as provided in the staff report from the Miami-Dade County Office of Historic Preservation, attached as Attachment "B" hereto and made a part hereof.

B. The following are conditions of approval:

1. The Applicant, its successors and assigns shall comply with all Town laws, ordinances, and resolutions at the time of approval of the site plan.
2. A recorded covenant that states that the landscaping material and design approved per the site plan shall not be modified without a site plan amendment. Materials may be changed out due to maintenance, but shall be reinstalled with the same materials per the approved site plan.
3. The aluminum fence parallel to Collins Avenue approved on the site plan encroaching into the buffer shall not be modified without a site plan amendment.

4. The underground utilities on the approved site plan shall be installed per the plans on file and any change requires Town Commission approval. The Applicant shall demonstrate that the underground utilities will be accommodated in the configuration proposed prior to a foundation permit.
5. The Applicant shall install a plaque on the exterior of the historic building notifying the public of the historic designated building.
6. Applicant shall meet with the neighboring property owners and provide a place to locate seismic monitors at their neighbors' properties to measure the impact of construction on neighboring properties.
7. Applicant shall provide prominence to the historic building with paint treatments, landscaping and applicable fencing and utilize site triangles to improve the visual exposure of the historic structure.
8. Applicant shall emphasize articulation for the entire façade with the application of a revised contrasting paint scheme.
9. Applicant shall provide samples of glass, wood and materials to be used in this project prior to the Town Commission meeting.
10. Applicant shall provide updated perspective renderings which include the project and the location of neighboring properties for the Town Commission meeting.
11. Applicant shall improve the public sidewalks with pavers with the design approved by the Town Manager or designee. Applicant shall provide a suitable transition between public and private sidewalks. Applicant shall plant the shade trees closer to the sidewalk for the purpose of providing shade.
12. Applicant shall explore options for air flow from the ocean and through the building length.
13. The Applicant offers the following voluntary proffers to the Town, and the Town accepts the proffers, to be paid prior to the issuance of the foundation permit for the construction of the Project:
 - i. Replacement of two police vehicles at \$35,000 each for a total of \$70,000.
 - ii. Big Belly Solar trash receptacles, total of \$22,500.
 - iii. One new dog station at the Paws Up Dog Park, total of \$8,000.
 - iv. The Town may reallocate up to \$30,500 from the voluntary proffers as identified in Condition 13(i-iii) herein to Parks and Recreation or the Community Center.
 - v. Applicant proffers an additional \$30,500 to be used for Parks and

Recreation or the Community Center.

vi. Applicant proffers an additional \$141,000 to be used at the Town Manager's discretion.

14. All voluntary proffers and commitments made to the Town of Surfside pursuant to the Resolution, including but not limited to those described in these Conditions, shall be binding upon Applicant, its heirs, successors and assigns, and, as to payments, shall be due and payable, or in the event of an action, shall be performed, in strict compliance with the manner and within the time frames set forth in these Conditions and any change in ownership, or modification of the site plan or design, whether substantial or minor in nature, shall not excuse the performance or the payments, all of which are part of the Conditions subject to which the Applicant's request for site plan approval were granted.
15. In the event the Applicant obtains a building permit and the permit expires, it shall be required to comply with Section 14.55 entitled "Vacant lots or buildings" of the Town of Surfside Code, including but not limited to the posting of a bond to defray the cost the Town may incur if required to secure and maintain the site, if necessary, and as may be required by the Building Official.
16. The Applicant for this purpose shall provide a bond not to exceed five percent of the construction cost, as required by the Building Official. These funds shall be used to secure property and the construction site in the event construction is abandoned, or ceases prior to completion.
17. A bond or equivalent amount of cash, in an amount not to exceed five percent of the construction cost, shall be posted to repair or replace public property damaged during the construction of the project, pursuant to the terms of Section 14.30 of the Town Code. The final determination regarding what property shall be replaced will be in the reasonable determination of the Director of Public Works. The Director of Public Works and the Building Official shall determine the amount jointly. The bond or cash equivalent shall be posted prior to the issuance of the foundation permit. The bonding requirements of this condition and the immediately preceding condition may be satisfied by posting one bond that covers both conditions.
18. The Applicant shall maintain an interactive website during construction and provide for a maximum of 24 hour response complaint/response mechanism for nearby property owners. The website URL will be advertised by the Applicant to Town residents.
19. The Applicant shall comply with calculating the cost of construction and auditing procedures pursuant to Town of Surfside Ordinance No. 16-1656.

20. The Applicant shall maintain all landscaping materials on site in good condition, replacing diseased, dying or dead plant material as necessary so as to present a healthy and orderly appearance at all times. A bond in the amount and duration determined by the Town Manager or designee shall be posted to ensure the survival of landscaping material for one or more years after the Certificate of Occupancy is issued.
21. The Applicant agrees to design the project to be LEED silver certifiable.
22. The Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of sand and dust and construction debris. The Applicant shall comply with the regulations of the Code of the Town of Surfside relating to construction site operations including construction hours and fencing. The Applicant will use its good faith efforts to minimize vibration and noise during construction of the project. Applicant and/or its contractors will assign personnel during construction to minimize sand, dust and debris from vehicles entering Collins Avenue and/or Harding Avenue from the construction site. Applicant shall ensure that contractors swing no heavy loads off property.
23. Sixty days prior to submittal of its request for a demolition permit, Applicant shall submit a demolition plan to Town Manager and Town Building Official that meets all Federal, State, and local requirements and that recycles a minimum of eighty percent (80%) of the demolition material.
24. The Applicant shall provide a structured or engineered construction fence with portals or windows, as required by the Town Code. The windscreen shall display a rendering of the project and be maintained in good condition throughout the construction process until the Certificate of Occupancy is issued.
25. The Applicant shall meet all requirements of the Department of Public Works for the location and design of trash containers prior to the issuance of a building permit. All service roll gates shall be at least 15 feet high and shall be of a decorative design to enhance the aesthetics of the building.
26. The Applicant shall meet all requirements of the Department of Public Works and Miami-Dade County for storm drainage services.
27. The Applicant shall present evidence of a Construction Parking Plan for the provision of off-street parking outside of Town limits or on Applicant's property within the Town, for construction workers during the period of construction of the approved project prior to the issuance of a building permit. The Applicant and the Applicant's general contractor shall direct all workers not to park their vehicles in residential neighborhoods or lease parking spaces from Town residents or park in Town parking lots and Town parking metered

spaces. The Construction Parking Plan shall be reviewed and if found satisfactory and approved by the Town Manager prior to the issuance of a building permit.

28. The Applicant and the Applicant's contractors are responsible to enforce the Construction Parking Plan with all employees, contractors and subcontractors. The Applicant shall be fined five hundred dollars (\$500) for the first parking ticket and one thousand dollars (\$1,000) for each subsequent parking ticket issued to construction workers for parking in residential neighborhoods or Town public parking while working on the construction site (limit of one fine per vehicle per day). The construction parking plan shall provide the following:

(a) The Applicant agrees that all contractor and subcontractor agreements applicable to this development shall include a separate clause prohibiting construction workers from parking on residential streets or public parking lots and that Applicant shall submit the proposed clause for the approval of the Town Manager or designee within 45 days of the effective date of this Resolution.

(b) Applicant shall provide monthly reports to the Town Manager of any problems or complaints with regard to workers parking their vehicles in residential neighborhoods.

(c) If the Town Manager deems necessary, the Applicant shall provide more frequent reports and develop additional preventive measures to protect the residential neighborhoods.

29. Any change in ownership of the current property owner, up to and including the turnover of ownership to the condominium association, greater than twenty percent (20%) shall be fully disclosed in writing to the Town Manager and Town Attorney immediately upon said change occurring. Any change of ownership of the project shall not extend or modify any of the dates for payment or performance included in this Resolution or in any related agreements referenced in this Resolution nor shall any change of ownership modify or excuse or extend any of the payment obligations contained in this Resolution or in any related agreements referenced in this Resolution. All payment obligations and performance obligations of any kind set forth in this Resolution and in these Conditions are binding on the Applicant, its heirs, successors and assigns.

30. The Applicant shall only apply for a Certificate of Occupancy from the Town once compliance with all terms and conditions of this Development Order are met and documented. The Certificate of Occupancy shall be subject to cancellation upon violation of any of the Conditions, in accordance with the law.

31. The applicant shall provide a Unity of Title in a form acceptable to the Town Attorney for all parcels included in the site plan to the Town prior to the issuance of the first foundation permit.
32. The Applicant shall provide water/sewer fees to the Town of Surfside in the amount prescribed in Town Code Section 78-83 and calculated using all fixtures in the buildings. Said fee shall be paid at the issuance of a Building Permit and there shall be no offset for existing fixtures if such offset is prohibited by law. The Applicant shall ensure the Town's water/sewer infrastructure is ready to receive the approved utility connections referenced in Condition 4. At the option of the Town, the Town may allow the Applicant to construct improvements to the Town water/sewer infrastructure and provide a partial credit to the Applicant on the basis of one-half the reasonable cost of improvements.
33. The Applicant shall provide the Town with a detailed schedule for the construction of the project (the "Construction Schedule") within sixty (60) days of approval of the Application by the Town Commission. Any modification shall be submitted in the same manner.
34. Applicant shall use its own lot for staging of construction to minimize lane closures.

IV. SEVERABILITY CLAUSE.

In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

V. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 19th day of January, 2017.

Motion by Commissioner Guelchensky
Second by Vice Mayor Cohen

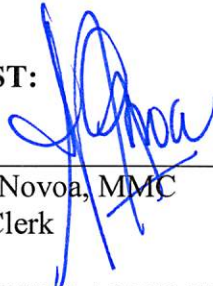
FINAL VOTE ON ADOPTION

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

yes
no
no
yes
yes


Daniel Dietch, Mayor

ATTEST:



Sandra Novoa, MMC
Town Clerk

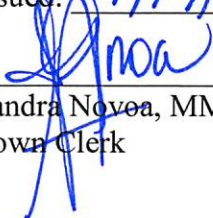
**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR
THE TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney

STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Sandra Novoa, MMC, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No.17-Z- 2418 adopted by the Town Commission at its meeting held on the 19th day of January, 2017.

Issued: 1/19/2017


Sandra Novoa, MMC
Town Clerk

Attachment "A"

Legal Description:

LOTS 1 THROUGH 12 AND LOT 19, INCLUSIVE, BLOCK 3, "ALTOS DEL MAR NO 5", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 92, OR THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.



miamidade.gov

Regulatory and Economic Resources Department
Office of Historic Preservation
111 NW 1st Street, Mailbox 114 • 12th Floor
Miami, Florida 33128
T 305-375-4958

February 26, 2016

9340 Collins Avenue LLC
3921 Alton Road, Suite 138
Miami Beach, FL 33140

RE: Renovation of Bougainvillea Apartments, Special COA #2016-03-S

Dear Property Owner:

On February 24, 2016, the Miami-Dade County Historic Preservation Board approved the Special Certificate of Appropriateness (COA) application for the renovation and incorporation of Bougainvillea Apartments, located at 9340 Collins Avenue, Surfside, FL, into a new development, provided the following conditions are met:

1. The Property Owner shall, in collaboration with County Historic Preservation Staff, produce a high-quality heritage tourism brochure focused on the history of the Town of Surfside, to be completed and available for distribution prior to the final Certificate of Occupancy of the development.
2. The Property owner shall provide a publically accessible gallery and interpretive exhibit space, either within the 9340 building or at another suitable, publically accessible space within the Town, including Town Hall or the Community Center. Exhibits shall include historical photographs, memorabilia, timelines, and other materials to adequately educate residents and visitors on Surfside's history and development. Property Owner shall collaborate with County Historic Preservation Staff as to the content of the exhibit.
3. If any discrepancy exists between the plans and the elevations or renderings, actual construction shall defer to the plans.
4. Project layout shall provide a minimum of 8 feet, and preferably 10 feet, between the outermost north and south edges of the historic structure and the enclosed forecourts/patios.

The Miami-Dade County Office of Historic Preservation thanks you for your submittal of the required COA application. COA approvals are valid for one year. If the work approved in this COA has not begun by February 24, 2017, contact our office to apply for an extension. Please do not hesitate to contact us with any additional questions.

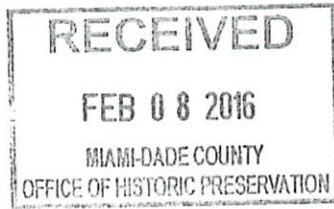
Sincerely,

A handwritten signature in black ink that reads "Sarah K. Cody".

Sarah K. Cody

Historic Preservation Planner
Miami-Dade County

Cc: Mr. Matthew A. Barnes, AICP, Akerman LLP
Sarah Sinatra Gould, Town Planner, Surfside



OFFICE OF HISTORIC AND ARCHAEOLOGICAL RESOURCES
111 NW 1ST STREET, MAILBOX 695
MIAMI, FL 33128
(305) 375-4958

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS (COA)

For Historically Designated Properties, or Properties within Historic Districts

I. PROPERTY INFORMATION INFORMACIÓN DE LA PROPIEDAD

ADDRESS 9340 Collins Avenue CITY Surfside ZIP 33154
(Dirección) *(Ciudad)* *(Zip)*

SITE DESIGNATION NAME (if applicable) Bougainvillea Apartments
(Nombre del Edificio)

DISTRICT NAME (if applicable) not applicable
(Nombre del Distrito)

FOLIO NUMBER 14-2235-006-0260
(Numero de Folio)



II. APPLICANT INFORMATION INFORMACIÓN DEL SOLICITANTE

NAME OF OWNER 9340 Collins Ave, LLC PHONE (teléfono) 786-802-7980
(Nombre de Dueño)

ADDRESS 3921 Alton Road, Suite 138 EMAIL mboymelgreen@gmail.com
(Dirección) *(correo electrónico)* Miami Beach, FL 33140

NAME OF APPLICANT (if other than owner) Akerman, LLP - Neisen Kasdin
(Nombre del Solicitante)

CONTACT PHONE 305-374-5600 EMAIL neisen.kasdin@akerman.com
(Teléfono)

APPLICANT IS: OWNER RENTER/LEASEE CONTRACTOR LEGAL AGENT
(Solicitante es:) *(Dueño)* *(Inquilino)* *(Contratista)* *(Representante legal)*

FOR OFFICE USE ONLY		
<i>Solamente por uso de oficina</i>		
APPLICATION# <u>2016-03-S</u>	DATE RECEIVED <u>2/8/16</u>	STAFF INITIALS <u>SKC</u>
<i>("R" for Regular, "S" for Special)</i>		
<input type="checkbox"/> APPROVED	APPROVAL DATE <u>2/24/16</u>	
<input type="checkbox"/> DENIED	BOARD DATE <u>2/24/16</u>	
<input checked="" type="checkbox"/> APPROVED WITH CONDITIONS (see attached conditions sheet)		



III. PROJECT TYPE TIPO DE PROYECTO

PLEASE CHECK ALL THAT APPLY:

(Por favor marque todos que aplican)

New Construction *(construcción nueva)*

Paint *(pintura)*

Restoration/Rehabilitation *(restauración)*

Repairing Existing *(reparación)*

Relocation/Moving a Structure *(traslado)*

Landscaping *(areas verdes)*

Demolition *(demolición)*

Interior Work Only
(Únicamente el interior)

**Excavation/
Ground Disturbing Activities** *(excavación)*

IV. PROJECT DESCRIPTION DESCRIPCIÓN DE PROYECTO

Please describe in detail the proposed project, including any new construction, demolition, the removal or replacement of existing materials, and all other proposed changes to the current structure. Attach an additional sheet if necessary.

Por favor describa el proyecto en detalle. Adjuntar pagina adicional si es necesario. Por favor describir el proyecto en ingles.

See enclosed cover letter.

CHECK ANY STRUCTURAL SYSTEMS OR ELEMENTS THAT WILL BE AFFECTED BY THIS PROJECT:

Marque el sistema estructural o componente que sera afectado por este proyecto:

Roof
(techo)

Foundation
(cimiento)

Steps or Stairways
(escaleras)

Windows
(ventanas)

Porches or Porte Cochère
(portal ó porche)

Painting/Finishes
(pintura/acabado)

Doors
(puertas)

Siding/Stucco/Façade Work
(entablado de exteriores)

Walls/Structural
(pared ó estructural)



V. CHECKLIST OF REQUIRED ATTACHMENTS

NOTE: ALL APPLICATIONS MUST BE ACCOMPANIED BY AT LEAST ONE COLOR PHOTO OF THE BUILDING

PAINTING YOUR BUILDING

- Color photos of each side of the building
- Sample Paint Chips of Desired Colors

NEW FENCING/WALLS/POOL/LANDSCAPING

- Site plan showing exact location(s) of fence, wall, pool or proposed landscaping
- Elevation drawings of fence, including height dimensions
- Color photographs of where fence, pool or landscaping is to go
- Description of landscaping, including type and placement (if applicable)

NEW WINDOWS OR DOORS

- A color photo of each side of the house
- An existing elevation of each side of the house that will have doors or windows replaced
- Elevations showing proposed changes. Be sure to draw the window configurations exactly as they will appear, include all proposed mullions
- Manufacturer's brochure or a catalog picture of the requested window or door and NOA #

NEW ROOF

- Color photos of the front of the building and existing roof
- Manufacturer's brochure of requested roof showing color and material and NOA #

RENOVATIONS/ADDITIONS or NEW CONSTRUCTION

- Color photos of each side of the building
- Site plan
- Landscape plan, including documentation of any proposed tree removal (if applicable)
- Elevations of all affected facades showing Existing Conditions (11"x17" set of plans)
- Elevations of all affected facades with Proposed Modifications or Additions (11"x17" set)
- Floor Plans
- Manufacturer's brochure or catalog pictures of any new or replacement materials being used in project

VI. OWNER ATTESTATION

I certify to the best of my knowledge that all the information provided within this application is correct and accurately portrays the proposed project.



Signature of Owner (Firma del Dueño)

02/02/2016

Date (Fecha)

Signature of Applicant (if other than owner)
(Firma del Solicitante)

2/03/16

Date (Fecha)

CONDITIONAL USE REPORT

Request

Code section 90-41(c) requires a conditional use application to be reviewed for pools associated with hotels.

Conditional Use Criteria

Section 90-23 of the zoning code provides standards of review for Conditional Uses. Conditional Uses are generally compatible with the other land uses permitted in a zoning district but, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Town as a whole, require individual review as to their location, design, configuration, and/or operation for the particular use at the particular location proposed, as well as the imposition of individualized conditions in order to ensure that the use is compatible with the surrounding neighborhoods and appropriate at a particular location.

All proposed Conditional Uses shall meet each of the following standards. The responses to the criteria are in italics below:

- (1) The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code;

The proposed use of the property as a hotel with pools is consistent with the Comprehensive Plan and Zoning Code.

- (2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare;

Pool are consistent with other properties within the zoning district and is not expected be a detriment to public health, safety or welfare.

- (3) The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.

The proposed building characteristics and pools are compatible with the community character of the immediate neighborhood and zoning district. Multifamily buildings are located to the east and north of this site. Municipal facilities are to the south and west and two single family homes are also to the west. Staff is recommending the hours of operation of dawn until dusk for the roof top pools, which is consistent with all other conditional use applications for hotel pools on the west side of Collins Avenue. This limitation is intended to reduce noise to the neighboring buildings.

- (4) Adequate provisions shall be included for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;

The pools are on the roof deck and will not generate additional traffic.

- (5) Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and

The hotel pools are located on the roof top. They are setback further than the code requires in order to provide a greater buffer for the neighboring properties and are not expected to have negative impacts.

- (6) The establishment of the Conditional Use shall not impede the development of surrounding properties for uses permitted in the zoning district; and

The other surrounding properties are developed. Therefore, granting the conditional use will not impede the development potential of the neighboring properties.

- (7) Any other condition imposed by the Planning and Zoning Board.

This is at the discretion of the Board.

**MIAMI DADE OFFICE OF
HISTORIC PRESERVATION
STAFF REPORT**



miamidade.gov

Regulatory and Economic Resources Department

Office of Historic Preservation

111 NW 1st Street, Mailbox 114 • 12th Floor
Miami, Florida 33128
T 305-375-4958

February 26, 2016

9340 Collins Avenue LLC
3921 Alton Road, Suite 138
Miami Beach, FL 33140

RE: Renovation of Bougainvillea Apartments, Special COA #2016-03-S

Dear Property Owner:

On February 24, 2016, the Miami-Dade County Historic Preservation Board approved the Special Certificate of Appropriateness (COA) application for the renovation and incorporation of Bougainvillea Apartments, located at 9340 Collins Avenue, Surfside, FL, into a new development, provided the following conditions are met:

1. The Property Owner shall, in collaboration with County Historic Preservation Staff, produce a high-quality heritage tourism brochure focused on the history of the Town of Surfside, to be completed and available for distribution prior to the final Certificate of Occupancy of the development.
2. The Property owner shall provide a publically accessible gallery and interpretive exhibit space, either within the 9340 building or at another suitable, publically accessible space within the Town, including Town Hall or the Community Center. Exhibits shall include historical photographs, memorabilia, timelines, and other materials to adequately educate residents and visitors on Surfside's history and development. Property Owner shall collaborate with County Historic Preservation Staff as to the content of the exhibit.
3. If any discrepancy exists between the plans and the elevations or renderings, actual construction shall defer to the plans.
4. Project layout shall provide a minimum of 8 feet, and preferably 10 feet, between the outermost north and south edges of the historic structure and the enclosed forecourts/patios.

The Miami-Dade County Office of Historic Preservation thanks you for your submittal of the required COA application. COA approvals are valid for one year. If the work approved in this COA has not begun by February 24, 2017, contact our office to apply for an extension. Please do not hesitate to contact us with any additional questions.

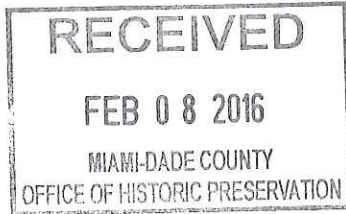
Sincerely,

Sarah K. Cody

Historic Preservation Planner
Miami-Dade County



Cc: Mr. Matthew A. Barnes, AICP, Akerman LLP
Sarah Anatra Gould, Town Planner, Surfside



OFFICE OF HISTORIC AND ARCHAEOLOGICAL RESOURCES
111 NW 1ST STREET, MAILBOX 695
MIAMI, FL 33128
(305) 375-4958

APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS (COA)

For Historically Designated Properties, or Properties within Historic Districts

I. PROPERTY INFORMATION INFORMACIÓN DE LA PROPIEDAD

ADDRESS (Dirección) 9340 Collins Avenue CITY (Ciudad) Surfside ZIP (Zip) 33154

SITE DESIGNATION NAME (if applicable) (Nombre del Edificio) Bougainvillea Apartments

DISTRICT NAME (if applicable) (Nombre del Distrito) not applicable

FOLIO NUMBER (Numero de Folio) 14-2235-006-0260



II. APPLICANT INFORMATION INFORMACIÓN DEL SOLICITANTE

NAME OF OWNER (Nombre de Dueño) 9340 Collins Ave, LLC PHONE (teléfono) 786-802-7980

ADDRESS (Dirección) 3921 Alton Road, Suite 138 Miami Beach, FL 33140 EMAIL (correo electrónico) mboymelgreen@gmail.com

NAME OF APPLICANT (if other than owner) (Nombre del Solicitante) Akerman, LLP - Neisen Kasdin

CONTACT PHONE (Teléfono) 305-374-5600 EMAIL neisen.kasdin@akerman.com

APPLICANT IS: (Solicitante es:) OWNER (Dueño) RENTER/LEASEE (Inquilino) CONTRACTOR (Contratista) LEGAL AGENT (Representante legal)

FOR OFFICE USE ONLY		
Solamente por uso de oficina		
APPLICATION# <u>2016-03-S</u>	DATE RECEIVED <u>2/18/16</u>	STAFF INITIALS <u>SKC</u>
<input type="checkbox"/> APPROVED	APPROVAL DATE <u>2/24/16</u>	
<input type="checkbox"/> DENIED	BOARD DATE <u>2/24/16</u>	
<input checked="" type="checkbox"/> APPROVED WITH CONDITIONS (see attached conditions sheet)		



III. PROJECT TYPE TIPO DE PROYECTO

PLEASE CHECK ALL THAT APPLY:
(Por favor marque todos que aplican)

- | | |
|--|---|
| <input checked="" type="checkbox"/> New Construction <i>(construcción nueva)</i> | <input type="checkbox"/> Paint <i>(pintura)</i> |
| <input type="checkbox"/> Restoration/Rehabilitation <i>(restauración)</i> | <input type="checkbox"/> Repairing Existing <i>(reparación)</i> |
| <input checked="" type="checkbox"/> Relocation/Moving a Structure <i>(traslado)</i> | <input type="checkbox"/> Landscaping <i>(areas verdes)</i> |
| <input type="checkbox"/> Demolition <i>(demolición)</i> | <input type="checkbox"/> Interior Work Only
<i>(Únicamente el interior)</i> |
| <input type="checkbox"/> Excavation/
Ground Disturbing Activities <i>(excavación)</i> | |

IV. PROJECT DESCRIPTION DESCRIPCIÓN DE PROYECTO

Please describe in detail the proposed project, including any new construction, demolition, the removal or replacement of existing materials, and all other proposed changes to the current structure. Attach an additional sheet if necessary.
Por favor describa el proyecto en detalle. Adjuntar pagina adicional si es necesario. Por favor describir el proyecto en ingles.

See enclosed cover letter.

CHECK ANY STRUCTURAL SYSTEMS OR ELEMENTS THAT WILL BE AFFECTED BY THIS PROJECT:
Marque el sistema estructural o componente que sera afectado por este proyecto:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Roof
<i>(techo)</i> | <input checked="" type="checkbox"/> Foundation
<i>(cimiento)</i> | <input checked="" type="checkbox"/> Steps or Stairways
<i>(escaleras)</i> |
| <input checked="" type="checkbox"/> Windows
<i>(ventanas)</i> | <input type="checkbox"/> Porches or Porte Cochère
<i>(portal ó porche)</i> | <input checked="" type="checkbox"/> Painting/Finishes
<i>(pintura/acabado)</i> |
| <input checked="" type="checkbox"/> Doors
<i>(puertas)</i> | <input checked="" type="checkbox"/> Siding/Stucco/Façade Work
<i>(entablado de exteriores)</i> | <input checked="" type="checkbox"/> Walls/Structural
<i>(pared ó estructura)</i> |



V. CHECKLIST OF REQUIRED ATTACHMENTS

NOTE: ALL APPLICATIONS MUST BE ACCOMPANIED BY AT LEAST ONE COLOR PHOTO OF THE BUILDING

PAINTING YOUR BUILDING

- Color photos of each side of the building
- Sample Paint Chips of Desired Colors

NEW FENCING/WALLS/POOL/LANDSCAPING

- Site plan showing exact location(s) of fence, wall, pool or proposed landscaping
- Elevation drawings of fence, including height dimensions
- Color photographs of where fence, pool or landscaping is to go
- Description of landscaping, including type and placement (if applicable)

NEW WINDOWS OR DOORS

- A color photo of each side of the house
- An existing elevation of each side of the house that will have doors or windows replaced
- Elevations showing proposed changes. Be sure to draw the window configurations exactly as they will appear, include all proposed mullions
- Manufacturer's brochure or a catalog picture of the requested window or door and NOA #

NEW ROOF

- Color photos of the front of the building and existing roof
- Manufacturer's brochure of requested roof showing color and material and NOA #

RENOVATIONS/ADDITIONS or NEW CONSTRUCTION

- Color photos of each side of the building
- Site plan
- Landscape plan, including documentation of any proposed tree removal (if applicable)
- Elevations of all affected facades showing Existing Conditions (11"x17" set of plans)
- Elevations of all affected facades with Proposed Modifications or Additions (11"x17" set)
- Floor Plans
- Manufacturer's brochure or catalog pictures of any new or replacement materials being used in project

VI. OWNER ATTESTATION

I certify to the best of my knowledge that all the information provided within this application is correct and accurately portrays the proposed project.



Signature of Owner (Firma del Dueño)

02/02/2016

Date (Fecha)

Signature of Applicant (if other than owner)
(Firma del Solicitante)

2/03/16

Date (Fecha)

TRAFFIC STATEMENT

TRAFFIC STUDY
BACKUP IS AVAILABLE IN
THE TOWN CLERK'S
OFFICE .

THANK YOU.

SITE PLAN PACKAGE

**SITE PLAN PACKAGE
BACKUP IS AVAILABLE IN
THE TOWN CLERK'S
OFFICE.**

THANK YOU.



ITEM NO. 6A

Town of Surfside Planning & Zoning Communication

Agenda Date: November 29, 2018
Subject: Corner Lot Fences
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. In addition, a resident who recently was approved for a fence sent an email expressing concerns 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 or ornamental wall 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 street side yard of a corner lot, provided:
 - a. The fence or wall is not placed in front of the front façade of the primary residential structure and extends beyond the plane of the front façade on only one side of the primary residential structure;
 - b. The fence or wall is setback three feet from any property line;
 - c. Shrubs shall be installed at the time the fence or wall is installed; and
 - d. The shrubs shall be planted a minimum of 36 inches in height, shall be placed a maximum of 24 inches on center and shall cover the exterior of the fence or wall within one year after the final inspection 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.~~

~~***~~

~~90-56.6 When being installed as a safety feature for a swimming pool in a front or primary corner yard, a fence or ornamental wall shall be permitted at a maximum of four feet in height. The applicant shall demonstrate evidence relative to this hardship.~~

~~90-56.9 Hedges shall be no more than four feet in height in the front yard and side corner yards and ten feet in height in the rear and interior side yards, except as required by section 90-56.5(1). Hedges may be higher if granted approval by the design review board, on a case-by-case basis.~~

The proposed ordinance has no additional staff impacts for implementation or enforcement.

Request: Review and make a recommendation to the Town Commission for the attached Ordinance.

ORDINANCE NO. 18 - _____

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-56.5 “MODIFICATION OF SECONDARY FRONTAGE FENCE AND ORNAMENTAL WALL REGULATIONS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES TO ADDRESS FENCE AND SHRUB REQUIREMENTS 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 privacy fences offer protection and
6 privacy for residential yards; and

7 **WHEREAS**, the Commission desires to address the privacy needs of corner lots where
8 private recreation areas abut street frontages; and

9 **WHEREAS**, the Commission directed the Planning and Zoning Board to review, analyze
10 and make recommendations for zoning strategies to permit additional privacy for street yards
11 when located on corner lots; and

12 **WHEREAS**, the Planning and Zoning Board evaluated street yard and corner lot privacy
13 issues and has offered recommended changes to the Town Code to address corner lot fencing
14 requirements; and

15 **WHEREAS**, the Town Commission held its first public hearing on these regulations on
16 November 13, 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

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

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 90-56 “Fences, walls and hedges” of Chapter 90 “Zoning” is hereby amended as follows¹:

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

* * *

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

- (1) A fence or ornamental wall 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 street side yard of a corner lot, provided:
- a. The fence or wall is not placed in front of the front façade of the primary residential structure and extends beyond the plane of the front façade on only one side of the primary residential structure;
 - b. The fence or wall is setback three feet from any property line;
 - c. Shrubs shall be installed at the time the fence or wall is installed; and
 - d. The shrubs shall be planted a minimum of 36 inches in height, shall be placed 24 inches on center and shall cover the exterior of the fence or wall within one year after the final inspection 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~~

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

55 from the right of way line or the ornamental wall shall be aligned with the wall
56 plane of the subject home.

57 ***

58 ~~90-56.6 When being installed as a safety feature for a swimming pool in a front or~~
59 ~~primary corner yard, a fence or ornamental wall shall be permitted at a~~
60 ~~maximum of four feet in height. The applicant shall demonstrate evidence~~
61 ~~relative to this hardship.~~

62 90-56.9 Hedges shall be no more than four feet in height in the front yard and side
63 corner yards and ten feet in height in the rear and interior side yards, except as
64 required by section 90-56.5(1). Hedges may be higher if granted approval by
65 the design review board, on a case-by-case basis.

66 * * *

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

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

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

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

79

80 **PASSED** on first reading this 13th day of November, 2018.

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

82

83 On Final Reading Moved by: _____

84 On Final Reading Second by: _____

85

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 _____

92

93

Daniel Dietch, Mayor

94

95

96 **ATTEST:**

97

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Sandra Novoa, MMC, Town Clerk

99

100
101 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**
102 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

103

104

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

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106

107



MEMORANDUM

ITEM NO. 6B

To: Planning and Zoning Board
From: Lillian M. Arango and Kathryn Mehaffey, Town Attorney
Date: 11-29-2018
Subject: Reasonable Accommodation Procedure

We were reviewing the Town Code safety mechanisms which have previously been adopted to ensure the Town is protected and has available preventative mechanisms to protect against and reduce litigation and ensure the Town has the tools available to comply with federal requirements. While the Town did adopt a RLUIPA Accommodation procedure a number of years ago, a broader process to address fair housing and the ADA does not currently exist. The proposed ordinance provides a procedure for processing requests for reasonable accommodation to its ordinances, rules, policies, and procedures by persons with disabilities. The Ordinance does not provide any specific entitlements but simply provides a procedure which provides protection and due process to disabled individuals while still providing for the preservation of the integrity of the Town's Code of Ordinances and zoning districts, including the protection of the residential character of its residential neighborhoods.

The proposed ordinance was approved by the Town Commission on first reading on November 13, 2018 and will be considered on second reading by the Town Commission at its December 11, 2018 meeting.

Staff Recommendation: Review and provide the Town Commission a recommendation on the attached Ordinance.

K.M.
Reviewed by

K.M.
Prepared by

ORDINANCE NO. 18 - _____

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA
CREATING SECTION 90-100 “REASONABLE
ACCOMMODATION PROCEDURES” OF “CHAPTER 90
ZONING” OF THE TOWN OF SURFSIDE CODE OF
ORDINANCES TO PROVIDE REASONABLE
ACCOMMODATION PROCEDURES FOR DISABLED
PERSONS UNDER THE FAIR HOUSING ACT AND
AMERICANS WITH DISABILITIES ACT; 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 needs and legal standards; and

4 **WHEREAS**, the Town Commission desires to assure that it provides a reasonable
5 accommodation application procedure in order to provide full protection and due process to
6 disabled individuals and provide for the preservation of the integrity of the Town of Surfside’s
7 Code of Ordinances and zoning districts, including the protection of the residential character of
8 its residential neighborhoods; and

9 **WHEREAS**, the Town Commission held its first public hearing on these regulations on
10 November 13, 2018; and

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

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

16
17 **WHEREAS**, the Town Commission hereby finds and declares that adoption of this
18 Ordinance is necessary, appropriate, and advances the public interest.

19
20 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
21 **THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

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

24 **Section 2. Code Amendment.** The Code of Ordinances of the Town of Surfside,
25 Section 90-100 “Reasonable accommodation procedures” of Chapter 90 “Zoning” is hereby
26 created as follows¹:

27 **ARTICLE IX. – REASONABLE ACCOMMODATION AND RELIGIOUS LAND USE RELIEF**
28 **PROCEDURES**

29 * * *

30 99-100. – Reasonable accommodation procedures.

31 (a) Implementation of policy. This section implements the policy of the town for processing of
32 requests for reasonable accommodation to its ordinances, rules, policies, and procedures for
33 persons with disabilities as provided by the Federal Fair Housing Amendments Act (42
34 U.S.C. 3601 et seq.)("FHA") and Title II of the Americans with Disabilities Act (42 U.S.C.
35 Section 12131 et seq.)("ADA"). For purposes of this section, a "disabled" individual or
36 person is an individual that qualifies as disabled and/or handicapped under the FHA and/or
37 ADA. Any person who is disabled (or qualifying entities) may request a reasonable
38 accommodation with respect to the town's ordinances, rules, policies, practices and/or
39 procedures (hereinafter, for the purposes of this Section, the “Town Regulations”) as
40 provided by the FHA and the ADA pursuant to the procedures set out in this section. The
41 town commission shall appoint a special master who shall make final determinations on
42 applications for reasonable accommodations related to relief from Town Regulations.

43 (b) Request to be in writing. A request by an applicant for reasonable accommodation under
44 this section shall be made in writing by completion of a reasonable accommodation request
45 form, which form is maintained by (and shall be submitted to) the town manager. The
46 reasonable accommodation form shall contain such questions and requests for information
47 as are necessary for processing the reasonable accommodation request. For a reasonable
48 accommodation to any of the town regulations pertaining to housing or zoning, the
49 application, shall, at a minimum, require the following information:

- 50 (1) Name and contact information for applicant or applicant's authorized representative;
- 51 (2) Address of housing or other location at which accommodation is requested;
- 52 (3) Description of reasonable accommodation required;
- 53 (4) A description of the accommodation and the specific regulation(s) and/or
54 procedure(s) from which accommodation is sought;
- 55 (5) Reason(s) the reasonable accommodation may be necessary for the individual(s) with
56 disabilities to use and enjoy the housing or other service;

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

57 (6) A statement as to whether the applicant is seeking the accommodation in order to
58 make housing and/or provision of housing financially viable, with supporting
59 documentation;

60 (7) A statement as to whether the applicant is seeking the accommodation is
61 therapeutically necessary, with supporting documentation; and

62 (8) Proof of satisfactory fire, safety, and health inspections required by Section 397.487,
63 Florida Statutes, as amended, and other applicable law.

64 (c) Medical information; confidentiality. Should the information provided by the disabled
65 individual to the town include medical information or records, including records indicating
66 the medical condition, diagnosis or medical history of the disabled individual(s), such
67 individual(s) may, at the time of submitting such medical information, request that the
68 town, to the extent allowed by law, treat such medical information as confidential
69 information of the disabled individual(s). The town shall thereafter endeavor to provide
70 written notice to the disabled individual(s), and/or their representative, of any request
71 received by the town for disclosure of the medical information or documentation which the
72 disabled individual(s) has previously requested be treated as confidential by the town. The
73 town will cooperate with the disabled individual(s), to the extent allowed by law, in actions
74 initiated by such individual(s) to oppose the disclosure of such medical information or
75 documentation, but the town shall have no obligation to initiate, prosecute or pursue any
76 such action, or to incur any legal or other expenses (whether by retention of outside counsel
77 or allocation of internal resources) in connection therewith, and may comply with any
78 judicial order without prior notice to the disabled individual(s).

79 (d) Determination process.

80 (1) The special master shall issue a written determination within sixty (60) days of the
81 date of receipt of a completed application or a date mutually agreeable to both the
82 town and the applicant, except as provided in paragraph 3, below, and may, in
83 accordance with federal law:

84 a. grant the accommodation request,

85 b. grant a portion of the request and deny a portion of the request and/or impose
86 conditions upon the grant of the request, or

87 c. deny the request in accordance with federal law. If the request is denied, the
88 order shall state the grounds therefore. All written determinations shall give
89 notice of the right to appeal.

90 (2) The notice of determination shall be sent to the applicant (i.e., the disabled
91 individuals or representative) by certified mail, return receipt requested.

92 (3) If reasonably necessary to reach a determination on the request for reasonable
93 accommodation, the special master or town manager or designee, prior to the end of
94 said sixty (60) day period, may request additional information from the applicant,
95 specifying in sufficient detail what additional information is required. The applicant

96 shall have fifteen (15) days after the date of the request for additional information to
97 provide the requested information. In the event a request for additional information is
98 made, the sixty (60) day period to issue a written determination shall no longer be
99 applicable, and the special master shall issue a written determination within thirty
100 (30) days after receipt of the additional information or 90 days after the initial receipt
101 of the application, whichever is later. Such time frame may be extended by mutual
102 agreement of the town and the applicant. If the applicant fails to provide all of the
103 requested additional information within said fifteen-day period, the town manager or
104 designee shall issue a written notice advising that the applicant has failed to timely
105 submit the additional information and therefore the request for reasonable
106 accommodation shall be deemed abandoned and/or withdrawn and no further action
107 by the town with regard to said reasonable accommodation request shall be required.

108 (e) Criteria for determination. In determining whether the reasonable accommodation request
109 shall be granted or denied, the applicant shall be required to establish that they are
110 protected under the FHA and/or ADA by demonstrating that they are handicapped, disabled
111 or qualifying entities, as defined in the FHA and/or ADA. Further, the applicant must
112 demonstrate that:

113 (1) A physical or mental impairment which substantially limits one or major life
114 activities; a record of having such impairment; or that they are regarded as having
115 such impairment.

116 (2) That the proposed accommodations being sought are reasonable and necessary. The
117 foregoing (as interpreted by the courts in evaluating reasonable accommodation
118 requests under the FHA or ADA) shall be the basis for a decision upon a reasonable
119 accommodation request made by the special master, or by the town commission in the
120 event of an appeal.

121 (3) The requested accommodation would not fundamentally alter the town's zoning
122 scheme.

123 The special master may impose conditions or modifications he/she deems necessary to
124 mitigate any factors which would fundamentally alter the town's zoning scheme or to
125 protect the public health and safety or are reasonably necessary to assure compliance with
126 his/her order.

127 (f) Appeal of determination. Within thirty (30) days after the special master's determination on
128 a reasonable accommodation request, or any order or action of the special master with
129 respect to the application of this section, is mailed to the applicant, such applicant may
130 appeal the decision to the town commission. All appeals shall contain a statement
131 containing sufficient detail of the grounds for the appeal. Appeals shall be to the town
132 commission who shall, after public notice and a public hearing, render a determination as
133 soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has
134 been filed. Where the appeal is based upon a provision of the town regulations, the
135 planning and zoning board shall first hold a hearing to make a recommendation on the
136 appeal to the town commission.

137 (g) Fees. There shall be no fee imposed by the town in connection with a request for
138 reasonable accommodation under this section or an appeal of a determination on such
139 request to the town commission, and the town shall have no obligation to pay an
140 applicant's (or an appealing party's, as applicable) attorneys' fees or costs in connection
141 with the request, or an appeal.

142 (h) Stay of enforcement. While an application for reasonable accommodation, or appeal or a
143 determination of same, is pending before the town, the town will not enforce the subject
144 zoning ordinance, rules, policies, and procedures against the applicant.

145 (i) Miscellaneous provisions. The following general provisions shall be applicable:

146 (1) The town shall display a notice in the town's public notice bulletin board (and shall
147 maintain copies available for review in the building/permitting division, and the town
148 clerk's office), advising the public that disabled individuals (and qualifying entities)
149 may request reasonable accommodation as provided herein.

150 (2) A disabled individual may apply for a reasonable accommodation on his/her own
151 behalf or may be represented at all stages of the reasonable accommodation process
152 by a person designated by the disabled individual.

153 (3) The town shall provide such assistance and accommodation as is required pursuant to
154 FHA and ADA in connection with a disabled person's request for reasonable
155 accommodation, including, without limitation, assistance with reading application
156 questions, responding to questions, completing the form, filing an appeal; and
157 appearing at a hearing, etc., to ensure the process is accessible.

158 (j) Revocation of reasonable accommodation. Any reasonable accommodation received shall
159 be deemed revoked if the applicant or the property upon which the accommodation is
160 granted is found in violation of any provision of the order granting the reasonable
161 accommodation by a court of law or by the special master hearing code enforcement cases.

162 (k) Recertification. All reasonable accommodation requests approved by the town are valid for
163 no more than two years. Recertification requests must be filed at least 90 days before the
164 conclusion of the end of the two year period of effectiveness of the reasonable
165 accommodation order. The process for recertification shall follow the same requirements
166 as set forth above for "Requests for Accommodation", and review of recertification
167 requests shall follow the same procedures as outlined above for new applications. The
168 failure of the applicant to timely apply for annual recertification, or the denial of an
169 application to recertify annually, shall result in the revocation of the approved reasonable
170 accommodation. Recertification requests shall follow the same requirements as set forth
171 above.

172 * * *

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

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

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

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

185

186 **PASSED** on first reading this 13th day of November, 2018.

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

188

189 On Final Reading Moved by: _____

190 On Final Reading Second by: _____

191 **FINAL VOTE ON ADOPTION**

- 192 Commissioner Barry Cohen _____
- 193 Commissioner Michael Karukin _____
- 194 Commissioner Tina Paul _____
- 195 Vice Mayor Daniel Gielchinsky _____
- 196 Mayor Daniel Dietch _____

197

198 _____
199 Daniel Dietch, Mayor

200

201 **ATTEST:**

202

203 _____

204 Sandra Novoa, MMC, Town Clerk

205

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

208

209 _____

210 Weiss Serota Helfman Cole & Bierman, P.L.,
211 Town Attorney
212



ITEM NO. 7B

Town of Surfside Planning & Zoning Communication

Agenda Date: November 29, 2018
Subject: Widening of Sidewalks on Collins Avenue (A1A)
From: Sarah Sinatra Gould, AICP, Town Planner

There has been discussions at previous Planning and Zoning Board (Board) meetings directing staff to explore the opportunity to add additional width to public sidewalks, specifically along Collins Avenue. The majority of existing sidewalks on both sides of Collins Avenue are five feet wide within the public right-of-way (ROW). Staff researched the possibility of increasing this width either within the required front yard setback within private property or possibly within the existing ROW.

As part of the research of this topic, Staff discussed the proposal to widen sidewalks with the Public Works Department. There are existing underground structures and utilities that make the widening of the sidewalk not possible in most locations. There are sewer cleanouts located directly adjacent to the existing sidewalks which would be impacted by the sidewalk widening. In addition, the sewer lines have recently been retrofitted with new liners. Any changes to this infrastructure would compromise the new system.

There may be a couple of locations along the west side of Collins Avenue which could possibly be widened much like the intersection of Collins Avenue and 93rd Street across from the Town's Community Center. These sidewalks were increased or "bumped out" to allow for larger pedestrian areas. This type of improvement could be implemented on a case-by-case basis as redevelopment occurs but only if the proposed widening does not impact the existing underground infrastructure.

Staff Recommendation: Based on the existing underground infrastructure, there are very few places along Collins Avenue where widening of the sidewalk will be possible.

Sarah Sinatra Gould, AICP, Town Planner

Guillermo Olmedillo, Town Manager



ITEM NO. 7C

Town of Surfside Planning & Zoning Communication

Agenda Date: November 29, 2018
Subject: Freeboard & Height Discussion
From: Sarah Sinatra Gould, AICP, Town Planner

One of the Planning & Zoning Board's (Board) top priorities is to prepare and plan for sea level rise. As properties are being redeveloped, the Board has been concerned with structures having the ability to be elevated to accommodate sea level rise. The board directed staff to prepare an ordinance requiring the minimum requiring an additional one foot of built up ground above the current code requirement. The additional one foot of built up ground is called "freeboard." Therefore, homes are required to meet the Base Flood Elevation plus two feet of freeboard. This ordinance was approved by the Town Commission on February 13, 2018.

In connection with the freeboard ordinance, the measurement of height for pitched roof structures has also been modified. The intention is to encourage pitched roofs, which would be difficult to design in order to meet the increased freeboard requirements.

The Town Charter limits height to 30 feet in the single family district. Staff found that the increase of one foot of freeboard is the maximum amount that could be increased without Charter implications, such as a potential need for a referendum. This is due to analyzing the Base Flood Elevation, the height of a story, the measurement to the roof and the crown of the road. Once all limiting factors were included, staff recommending no more than one additional foot of freeboard.

At the October 26, 2018 Planning & Zoning Board meeting, the Board indicated they wanted to revisit this discussion to determine if there was consensus to recommend a further increase in freeboard to the Town Commission.

Copies of the previously approved ordinances approved by the Town Commission on February 13, 2018 are attached.

ORDINANCE NO. 18-1673

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," SECTION 90-2 "DEFINITIONS," TO REVISE THE MEASUREMENT OF ROOF HEIGHT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town's regulations are current and consistent with the Town's planning and regulatory needs; and

WHEREAS, the Town has researched and evaluated mechanisms available to encourage pitched roof design for residential structures to maintain a more consistent architectural scheme; and

WHEREAS, the Town recognizes that a pitched roof does not obscure the entire visual plane, but rather takes up only a portion of the spatial volume between the top beam and the roof peak; and

WHEREAS, the Town desires to revise the methodology for measuring the height of pitched roofs to recognize the reduced visual impact and encourage the use of pitched roofs; and

WHEREAS, the Town Commission held its first public hearing on December 13, 2017 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendment on January 25, 2018 with due public notice and input; and

WHEREAS, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law on February 13, 2018; and

WHEREAS, the Town Commission hereby finds and declares that adoption of this Ordinance is in the best interest of the Town.

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

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

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

Sec. 90-2. - Definitions.

For the purpose of this chapter, certain terms and words are hereby defined. For convenience, all defined words and terms are set out in different type.

* * *

Height:

- (1) Flat Roofs: The vertical distance from ~~the grade, which is~~ the average datum or elevation of the crown of the road fronting upon the street serving the lot or building site, to the highest point of the roof.
- (2) Pitched Roofs. The vertical distance from the average datum or elevation of the crown of the road fronting the lot or building site, to the top of the tie beam. A pitched roof shall have a maximum pitch of 4/12.

* * *

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. 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 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND ADOPTED on first reading this 13th day of December, 2017.

PASSED AND ADOPTED on second reading this 13th day of February, 2018.

On Final Reading Moved by: Commissioner Karukin

On Final Reading Second by: Commissioner Paul

FINAL VOTE ON ADOPTION:

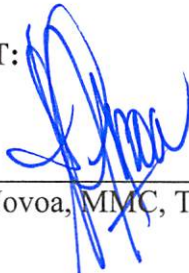
Commissioner Daniel Gielchinsky
Commissioner Michael Karukin
Commissioner Tina Paul
Vice Mayor Barry Cohen
Mayor Daniel Dietch

yes
yes
yes
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yes



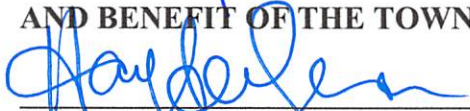
Daniel Dietch, Mayor

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

ORDINANCE NO. 18-1674

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 42 “FLOODS”, SECTION 42-92 “SPECIFIC STANDARDS” TO ADDRESS LOWEST FLOOR ELEVATION REQUIREMENTS FOR SINGLE FAMILY RESIDENTIAL STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

4 **WHEREAS**, the Federal Emergency Management Agency ("FEMA") has identified
5 special flood hazard areas within the boundaries of the Town and such areas may be subject to
6 periodic flooding/inundation which may result in the loss of life and property, health and safety
7 hazards; and

8 **WHEREAS**, the Sustainability Committee and Planning and Zoning Board researched
9 and evaluated the impact of rising sea levels and the necessity and ability to increase the lowest
10 floor elevation requirements to reduce flooding of residential structures; and

11 **WHEREAS**, the Town Commission agrees with the recommendations of the
12 Sustainability Committee and Planning and Zoning Board and finds there is a critical need to
13 increase base flood elevations, particularly for single family residential properties, to the extent
14 feasible within the current height limitations of the Town Charter; and

15 **WHEREAS**, the Town Commission held its first public hearing on December 13, 2017
16 having complied with the notice requirements required by Florida Statutes; and

17 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town,
18 held its hearing on the proposed amendment on January 25, 2018 with due public notice and input;
19 and

20 **WHEREAS**, the Town Commission conducted a second duly noticed public hearing on
21 these regulations as required by law on February 13, 2018; and

22 **WHEREAS**, the Town Commission hereby finds and declares that adoption of this
23 Ordinance is in the best interest of the Town.

24
25 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
26 **THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:**

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PASSED AND ADOPTED on first reading this 13th day of December, 2017.

PASSED AND ADOPTED on second reading this 13th day of February, 2018.

On Final Reading Moved by: Commissioner Paul

On Final Reading Second by: Commissioner Gielchinsky

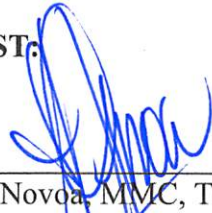
FINAL VOTE ON ADOPTION:

Commissioner Daniel Gielchinsky	<u>yes</u>
Commissioner Michael Karukin	<u>yes</u>
Commissioner Tina Paul	<u>yes</u>
Vice Mayor Barry Cohen	<u>yes</u>
Mayor Daniel Dietch	<u>yes</u>



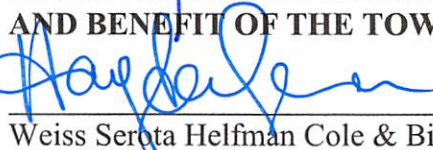
Daniel Dietch, Mayor

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

ITEM	OUTCOME	NEXT STEPS	TENTATIVE SCHEDULE	COMPLETE
FUTURE PZ DISCUSSION ITEMS				
Sidewalk aesthetics	Prepare discussion item to determine if walkability can be improved.	Prepare graphics depicting 8 ft wide sidewalk & landscape buffer	November PZ	
Landscape Plans	Require landscape plans for large scale renovations (renovations affecting more than 50% of the square footage of the house)	Requested Ross to attend meeting to discuss requirements for landscape plans as well as the drainage review process	November PZ	
Freeboard & Height	PZ requests discussion on additional freeboard & height	Provide prior information to the board to discuss additional freeboard requirements.	November PZ	
Impact fee discussion			Adopted in FY19 Budget	
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	January PZ	
ON UPCOMING COMMISSION AGENDA				
Fences & Hedges in the front of single family residences	Discussion on hedge height in the front		December Commission – 2 nd reading	
Circulation pattern	PZ discussion on pedestrian safety and walkability	Pilot project	Ongoing	Ongoing
ON FUTURE COMMISSION AGENDA				
Parking needs	Evaluate if parking code requirements are expected to be status quo based on current ride sharing trends or if the need will be reduced		Based on direction from commission	

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			
Aggregation of Single Family	Requested by the Town Commission	Discuss limitations on building length relating to single family lots, if aggregated. Invite Betsy Wheaton from Miami Beach to discuss what improvements Miami Beach has implemented	Adopted
Resiliency Strategy	PZ has requested staff to prepare a discussion item was to improve sustainability	Future PZ or Sustainability Committee	Move to sustainability
Parking in Single Family	In order to increase pervious areas, evaluate if two vehicles on a driveway are needed.	October PZ	No action
Update on business district	Follow up with PZ to notify the board of who is working on strategies & any improvements to the business district	October PZ	Completed

Ways to increase pervious area of lots	Place on PZ agenda for discussion. Provide PZ with current standards	commission agenda	September PZ	No action
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
Roof Pitch of Single Family	Modify ordinance to include roof pitch above top of the truss as an architectural feature	Provide side by side elevation in current code to the top of the flat roof	February Commission 2 nd reading	Complete

	<p>to demonstrate it is 3 feet above the top of a pitched roof.</p> <p>This has not been a reoccurring issue. Provide direction if this is necessary.</p>	<p>Trellis</p>	<p>Review if a trellis attached to the house is considered an accessory structure.</p>	<p>Review if a trellis attached to the house is considered an accessory structure.</p>	<p>This has not been a reoccurring issue. P</p>
<p>Trellis</p>	<p>Average side setback /Massing</p>	<p>Average side setback /Massing</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>Satellite dishes</p>	<p>Satellite dishes</p>	<p>Direction if this is necessary. The Town has already modified the code to prohibit covered balconies counted towards setbacks.</p>	<p>Further review by staff</p>	<p>Further review by staff</p>	<p>This issue has not come up as a problem and it is not clear if this is still desired</p>

Residential or commercial wind turbine regulations	Prepare ordinance regulating wind turbines including hurricane precautions, noise regulations, insurance considerations	Residential or commercial wind turbine regulations	Prepare ordinance regulating wind turbines including hurricane precautions, noise regulations, insurance considerations	clear if this is still desired to be regulated.	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.	to be regulated.	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	Setback for parapet above 30 feet on single family homes	Prepare ordinance to require additional setback	clear if this is still desired to be regulated.	Direction if this is necessary as the code could be modified to encourage pitched roofs.	Direction if this is still necessary as the code could be modified to encourage pitched roofs.	Direction if this is still necessary as the code could be modified to encourage pitched roofs.
Final Zoning Inspections	Town Manager will analyze	Final Zoning Inspections	Town Manager will analyze	clear if this is still desired to be regulated.	Building performs inspections based on conditions on the plans. Need direction if anything	Building performs inspections based on conditions on the plans.	Building performs inspections based on conditions on the plans.

Requiring noticing for demolition of houses	Research option and place on agenda for discussion	further is necessary			Yes	
Sign Definitions	Modify sign definitions for monument and sign area	Drafted code amendment				
Carports	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	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	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	Complete

Turtle Lighting	Town Staff to prepare review	No ordinance necessary. Turtle lighting already required in code.	COMPLETE	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	In contract	March PZ COMPLETE
Car charging station regulations	Prepare ordinance regulating car charging stations requiring them in	Draft code amendment	In contract	December PZ COMPLETE

Pyramiding effects of setbacks in the H120 district		new multi-family, research what other communities are doing	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	In-contract					November PZ
10% window opening requirement per story		Discussion with the Planning & Zoning Board	Prepare ordinance for commission	In-contract					June PZ
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.	In-contract					No further modification necessary
Sheds		Modify ordinance to increase square footage, but reduce height and add landscape requirements.	Draft code amendment	In-contract					Discussed at March meeting.
									Commission 1st reading in May. PZ in May