

ORDINANCE NO. 2011 -1572

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING SECTION 90-2 "DEFINITIONS", AMENDING SECTION 90-20. "DEVELOPMENT REVIEW REQUIREMENTS" TO ESTABLISH A DEVELOPMENTAL IMPACT COMMITTEE; AMENDING SECTION 90-23 "CONDITIONAL USES"; 90-41 "REGULATED USES"; 90-45. "SETBACKS."; 90-45.1 "AGGREGATION OF LOTS"; SECTION 90-44 THROUGH SECTION 90-67 RELATING TO DESIGN REVIEW GUIDELINES; SECTION 90-73 "PROHIBITED SIGNS."; SECTION 90-87 INSTALLATION OF LANDSCAPING AND IRRIGATION; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, The Town Commission and Planning & Zoning Board held a Joint Meeting on November 4, 2010 to discuss potential changes to the Zoning Code; and

**WHEREAS**, Town staff analyzed the code and provided solutions to the challenges presented at the Joint Meeting by preparing recommendations for code changes; and

**Whereas** the changes were presented at the December 9, 2010 Joint Meeting at which it was determined by consensus that the proposed changes would add or expand layers of protection, increase focus on the major issues of concern to our citizens and will help to preserve the unique flavor and lifestyle of Surfside; and

**Whereas**, the proposed code changes were presented for discussion to the Planning and Zoning Board at their January 27, 2011 meeting, suggested amendments were prepared and presented finally to the Planning and Zoning Board at their February 24, 2011 meeting sitting as the Local Planning Agency with due public notice and input; and

**WHEREAS**, the Town Commission held its first public reading on March 8, 2011 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

**WHEREAS**, the Town Commission has conducted a second reading on April 12, 2011 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

**ARTICLE I. IN GENERAL**

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**Sec. 90-2. Definitions.**

Aggregation: The combining of lots through a unity of title or the platting process.

Contiguous: Next to, abutting, or touching and having a boundary, property line or portion thereof that is common to both properties.

Density: The number of dwelling units per gross acre of land.

Gross Acre: The acreage within the perimeter of a lot plus one-half the right-of-way of adjacent streets and alleys. For properties east of Collins Avenue, the calculation of gross acreage shall also include the area up to the Erosion Control Line.

Unity of Title: An agreement executed by and between one or more property owners of more than one lot, which shall not be conveyed, sold, mortgaged, etc. apart from each other and shall be held together as one tract. Such unity of title shall be recorded in the public records of Miami-Dade County, Florida and shall run with the land and shall be binding upon the property owner(s), successors and assigns.

**Sec. 90-20. Development review requirements for submittals other than single-family and two-family.**

(1) Generally. Review and approval of a site plan by staff reviewing agencies, the design review board, and the Development Impact Committee, the planning and zoning board, and the Town Commission is required prior to any development of land in the town.

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(4) Developmental Impact Committee.

(a) There is hereby established a Developmental Impact Committee composed of seven (7) members representing the following Town departments and disciplines:

- i. Town Manager
- ii. Town Attorney
- iii. Public Works / Landscape
- iv. Planning and Zoning
- v. Park and Recreation Department.
- vi. Engineering and Traffic Engineering
- vii. Building

(b) The Developmental Impact Committee shall review all developments (except single family and two-family homes) and recommend where applicable, whether, and the extent to which:

- i. The development, as proposed, conforms to the Comprehensive Plan and the Zoning Code;
- ii. The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a consideration of the means and estimated cost necessary to minimize the adverse impacts, if any;
- iii. The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside;
- iv. The development, as proposed, will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area;
- v. The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets.
- vi. The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency 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.
- vii. In the event of redevelopment, applicant shall also submit a detailed plan for demolition.
- (c) The Committee shall meet prior to the Planning and Zoning Board's hearing on the application. The Committee shall be chaired by the Town Manager. The Town Manager or designee shall prepare a summary report of the development application to be distributed to and reviewed by the Development Impact Committee prior to the Committee meeting.
- (d) The Town Manager or designee shall prepare a summary report of the results of the Development Impact Committee to be transmitted to the Planning and Zoning Board and Town Commission upon their review of the development application.
- (e) The Committee shall review and make recommendations pursuant to the criteria stated in (2) to the Planning and Zoning Board and Town Commission whether, and to the extent to which, the development will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities or public transportation facilities, including roads and streets, which have been constructed or planned and budgeted for construction in the area, and whether the proposed development will have a favorable or unfavorable impact on the economy of the Town of Surfside.
- (f) No public hearing shall be held by any board on any application subject to review by the Developmental Impact Committee until the Committee has made its recommendations with regard thereto.
- (g) Development Impact Committee Meetings shall be noticed on the Town website and shall be open to the public who may comment during a specific time scheduled on the agenda.

## **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

### **DIVISION 1. PLANNING AND ZONING BOARD**

#### **Sec. 90-23. Conditional uses.**

*90-23.1 Purpose.* 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. The purpose of this section is to provide a process which is designed to determine if certain uses, hereafter referred to as conditional uses, should be permitted. Special review of conditional uses is required because such uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare of the community, but because of the

nature of the use and possible impact on neighboring properties, require the exercise of planning judgment on location and site plan.

90-23.2 Standards of review. In addition to the standards set forth in this zoning code for the particular use, all proposed Conditional Uses shall meet each of the following standards:

- (1) The proposed use shall be consistent with the Comprehensive Plan and the 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;
- (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.
- (4) Adequate provisions shall be included for parking and safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;
- (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
- (6) The establishment of the Conditional Use shall not impede the development of surrounding properties for uses permitted in the zoning district; and
- (7) Any other condition imposed by the Design Review Board and/or the Development Impact Committee.

~~*Conditional uses enumerated.* The following uses may be approved by the town commission as conditional uses in any district in which they are specifically allowed, as indicated within the provisions for individual zoning districts. Approval of such conditional use(s) in accordance with the procedures and standards of this section shall only be granted where it has been clearly shown that the public health, safety, morals, and general welfare will not be adversely affected; that adequate off street parking facilities, in accordance with this chapter, will be provided; and that necessary safeguards will be provided for the protection of surrounding property:~~

- ~~(1) Institutions, educational or philanthropic, including museums, but not including nursing homes or hospitals.~~
- ~~(2) Off street parking lots and garages.~~
- ~~(3) Public and governmental buildings.~~
- ~~(4) Public utilities or public service uses, buildings, structures and appurtenances thereto.~~
- ~~(5) A bar accessible from the pool or pool deck for use solely by guests of hotels and their guests in the H120 district. In all cases, it shall be the exclusive responsibility of the owner, operator, tenant or user of the property to assure that neither the sale nor consumption of beverages shall occur or be allowed to occur off the property or on any portion of the property lying east of the bulkhead line.~~

90-23.3 Applications requirements. No use designated, as a Conditional Use shall be established until after such use has received approval under the provisions of this section and has received all other permits required by the Town. An application for conditional use approval shall be filed with the Town. The application shall include:

1. An illustrative site plan
2. An application fee, as established by the Town Commission.
3. A written summary of the proposed project.
4. Ownership affidavit and owner's sworn statement to consent, if applicable.
5. A survey less than one year old including owner's affidavit that no changes have occurred since the date of the survey

~~*Site plan required.* Each application for approval for a conditional use shall be accompanied by a site plan. Such site plan shall be prepared in accordance with the provisions of subsection 90-20(3)b. In addition, each application shall be accompanied by a letter and survey indicating compliance with all of the provisions of subsection 90-20(3)b., and any additional information as may be required to permit a determination of the exact nature of the proposed use and its effect on surrounding properties, the adjacent neighborhood, and its consistency with the town's adopted comprehensive plan.~~

~~*90-23.4 Procedures; eConditional uUses.* Application and fee shall be submitted to the tTown for a eConditional uUse review and are subject to the requirements of section 90-23. Applications for approval of a eConditional uUse shall be heard by the pPlanning and zZoning board for a recommendation to the tTown eCommission. The pPlanning and zZoning board's report may contain recommendations regarding conditions which should be imposed by to the tTown eCommission in approving the eConditional uUse. The tTown eCommission may establish these and/or additional conditions for an approval by a simple majority vote. Outdoor dining facilities, hotel swimming pools, and other similar facilities shall be required to obtain an annual Conditional Use permit. The permit will dictate hours of activity and other conditions necessary to provide compatibility with the surrounding neighborhood.~~

~~*90-23.5 Conditional Use Expiration.* The approval of a eConditional uUse shall be void if the applicant does not obtain a building permit or other permit required to implement the eConditional uUse within 24 months after the granting of the eConditional uUse. An applicant who has obtained approval of a eConditional uUse may request an extension of this time period within the original approval period. The tTown eCommission, at its discretion, may grant one or more extensions for a period of up to a total of six months for good cause shown by the applicant.~~

~~*90-23.6 Annual Permit Requirements.* After approval by the Town Commission, a Conditional Use shall be required to obtain an annual permit. The Town Manager or designee shall review the annual permit application to determine if the Conditional Use continues to comply with the Standards of Review in Section 90-23.2 and any additional conditions approved by the Town Commission. This permit shall include a fee as established by the Town Commission. The permit shall be submitted for and proceed concurrently with the annual Business Tax Receipt.~~

~~*90-23.7 Revocation.* If the Conditional Use fails to meet the Standards of Review in Section 90-23.2 or the conditions approved by the Town Commission, a Conditional Use permit may be rescinded after the Conditional Use permit holder has been notified of these deficiencies. An administrative decision to revoke by the Town may be appealed to the Town Manager within thirty (30) days of the revocation. The Town Manager shall schedule an informal hearing with the applicant and his decision shall be rendered within ten days of the meeting in writing. That~~

decision will be considered final. Any decision made by the Town Manager regarding Conditional Use permits may be appealed to the Town Commission.

**ARTICLE IV. DISTRICT REGULATIONS**

**Sec. 90-41. Regulated uses.**

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

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

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

(c) *Table--Regulated uses.*

TABLE INSET:

	H30A	H30B	H30C	H40	H120	SD-B40
Residential Uses						
Detached single-family	P(1)	P(1)	P(1)	P(1)	P(1)	-
Duplex	-	-	P	P	P	-
Multi-dwelling structure	-	-	P	P	P	-
Townhouse	-	-	P	P	P	-
Lodging uses						
Hotel	-	-		P(7)	P(7)	-
Suite-Hotel	-	-		P(7)	P(7)	-
Office Uses and Professional Services						
Banks	-	-	-	-	-	P
Business and professional offices, except veterinary offices	-	-	-	-	-	P
Currency exchange	-	-	-	-	-	P

	H30A	H30B	H30C	H40	H120	SD-B40
Delivery service	-	-	-	-	-	P(9)
Employment agencies	-	-	-	-	-	P(9, 17)
General ticket agencies			-	-		P
Interior decorator	-	-	-	-	-	P
Loan or mortgage office	-	-	-	-	-	P(9)
Medical or dental clinic	-	-	-	-	-	P(9)
Psychic reading, advising, and consulting, palmistry, clairvoyance, astrological interpretation, tarot card reading, spiritual consultation or fortune telling	-	-	-	-	-	P(9)
Radio or television station or studio	-	-	-	-	-	P(9)
Savings and loan associates	-	-	-	-	-	P
Secretarial service, mailing, bookkeeping, court reporter	-	-	-	-	-	P(9)
Stocks and bond brokers	-	-	-	-	-	P
Taxi agency	-	-	-	-	-	P(9)
Telegraph station	-	-	-	-	-	P
Telephone exchange	-	-	-	-	-	P
Title company	-	-	-	-	-	P(9)
Travel agency	-	-	-	-	-	P
<b>Retail and General Commercial Uses</b>						
Antique shops	-	-	-	-	-	P
Appliances	-	-	-	-	-	P
Art and photograph galleries	-	-	-	-	-	P
Art dealers	-	-	-	-	-	P
Art supplies	-	-	-	-	-	P
Beauty/personal services	-	-	-	-	-	P(19)



	H30A	H30B	H30C	H40	H120	SD-B40
Health club or studio	-	-	-	-	-	P(16,19)
Books and newspaper	-	-	-	-	-	P
Cigars and tobacco	-	-	-	-	-	P
Coin-operated machines			-	-		P(15)
Department stores	-	-	-	-	-	P
Drug stores and sundries	-	-	-	-	-	P
Dry cleaning and laundry agency	-	-	-	-	-	P(10)
Dry goods			-	-		P
Flowers and plants	-	-	-	-	-	P
Furniture	-	-	-	-	-	P(14)
Furrier	-	-	-	-	-	P
Gift shops			-	-		P
Hardware, paint and wallpaper	-	-	-	-	-	P
Jewelry	-	-	-	-	-	P
Locksmith	-	-	-	-	-	P(11)
Luggage			-	-		P
Men's, women's, children's clothing	-	-	-	-	-	P
Millinery	-	-	-	-	-	P
Office machines and supplies	-	-	-	-	-	P
Pet supplies			-	-		P
Photographers and camera stores	-	-	-	-	-	P
Pottery	-	-	-	-	-	P
Sale of televisions, radios, phonograph and recording equipment	-	-	-	-	-	P
Sheet music and musical instruments			-	-		P

	H30A	H30B	H30C	H40	H120	SD-B40
Shoe repair	-	-	-	-	-	P(20)
Shoes	-	-	-	-	-	P
Sporting goods			-	-		P
Stationery and greeting cards	-	-	-	-	-	P
<u>Structured Parking Facility</u>	-	-	<u>CU(23)</u>	<u>CU(23)</u>	<u>CU(23)</u>	-
Tailor	-	-	-	-	-	P
Toys	-	-	-	-	-	P
Video tapes sales and rentals	-	-	-	-	-	P(12)
<b>Food Services</b>						
Bakeries	-	-	-	-	-	P(8)
Candy and nut shops			-	-		P(13)
Caterers	-	-	-	-	-	P
Confectionary and ice cream stores	-	-	-	-	-	P(13)
Delicatessens	-	-	-	-	-	P(13)
Fruit shops			-	-		P(13)
Grocery and meat stores or supermarkets	-	-	-	-	-	P(13)
Liquor stores	-	-	-	-	-	P(13)
Restaurants	-	-	-	-	-	P(13)
<u>Outdoor dining facilities</u>						<u>CU</u>
<b>Educational Services</b>						
Dance or music instruction studios	-	-	-	-	-	P(9, 16)
Driving school offices			-	-		P(9, 21)
<u>Institutions, educational or philanthropic, including museums</u>						<u>CU</u>
Modeling school, language school, or athletic instruction	-	-	-	-	-	P(9)

	H30A	H30B	H30C	H40	H120	SD-B40
Public schools	-	-	P	P	-	-
Places of Assembly						
See RLUIPA Map and Ordinance 07-1479	-	-	P	-	-	P
Civic Uses						
Parks and open space	P	P	P	P	P	-
Playgrounds	P	P	P	P	P	-

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

Uses	Municipal	Community Facilities
Library	P	P
Parks & Open Space	P	P
Playgrounds	P	P
Community Center	P	P
Gymnasiums	P	P
Town Offices	P	P
Police Facilities	P	P
Pump Stations	<del>P</del> <u>CU(23)</u>	<del>P</del> <u>CU(23)</u>
Parking	P	-

Key: P: Permitted (#): Refer to Notes Blank: Not Permitted  
TABLE INSET:

Accessory uses	H30A	H30B	H30C	H40	H120	SD-B40
Boat docks + moorings	P(2)	-	-	-	-	-
Game courts	P(2)	P(2)	P(2)	P(2)	P(2)	-
Home Bar-B-Q grills	P(2)	P(2)	P(2)	P(2)	P(2)	-
Laundry/service rooms	-	-	P(5)	P(5)	P(5)	-
Office spaces	-	-		P(3)	P(3)	-
Recreational rooms	-	-	P(4)	P(4)	P(4)	-
Subordinate buildings	-	-		-	-	P(18)

Accessory uses	H30A	H30B	H30C	H40	H120	SD-B40
Swimming pools	P(2)	P(2)	P(2)	P(2)	P(2)	-
<u>Hotel swimming pools</u>	-	-	<u>CU(2)</u>	<u>CU(2)</u>	<u>CU(2)</u>	-
Vending machines	-	-	P(6)	P(6)	P(6)	-
<u>Bar</u>	-	-	-	-	<u>CU(22)</u>	P
<u>Outdoor dining facilities</u>				<u>CU</u>	<u>CU</u>	

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

(d) *Uses table notes.*

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(22) A bar accessible from the pool or pool deck for use solely by guests of hotels and their guests in the H120 district. In all cases, it shall be the exclusive responsibility of the owner, operator, tenant or user of the property to assure that neither the sale nor consumption of beverages shall occur or be allowed to occur off the property or on any portion of the property lying east of the bulkhead line.

(23) The annual permit requirements in Section 90-23.6 are not applicable to this use. A unity of title and a covenant shall run with the land if a Structured Parking Facility is located on a different lot from the main facility. So long as the main lot remains developed, the parking lot shall remain.

**Sec. 90-45. Setbacks.**

(b) *Setbacks.*

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

TABLE INSET:

H30C	Minimum Setback (Feet)
Primary frontage	20 FT
Interior side	5 FT
Rear	10 FT
Secondary frontage (Corner only)	10 FT
Interior side setbacks for lots over 50 feet in width	10% of the frontage

TABLE INSET:

H40 - <del>Harding Avenue</del> + Less than or equal to 50 ft in width	Minimum Setback (Feet)
Primary frontage	20 FT
Interior side	5 FT
Rear	10 FT
Secondary frontage (Corner only)	10 FT

TABLE INSET:

H40 - <del>Harding Avenue</del> + Wider than 50 ft and less than 100 ft	Minimum Setback (Feet)
Primary frontage	20 FT
Interior side	7 FT
Rear	10 FT
Secondary frontage (Corner only)	10 FT

TABLE INSET:

<del>H40 - Harding Avenue</del> + Wider than or equal to 100 ft	Minimum Setback (Feet)
<del>Primary frontage</del>	<del>20 FT</del>
<del>Interior side</del>	<del>7 FT</del>
<del>Rear</del>	<del>10 FT</del>
<del>Secondary frontage (Corner only)</del>	<del>10 FT</del>

TABLE INSET:

H120	Minimum Setback (Feet)
Primary frontage	40 FT
Interior side	10 FT
Rear	30 FT
Secondary frontage (Corner only)	20 FT

TABLE INSET:

SD-B40	Maximum Setback (Feet)
Primary frontage	0 FT
Interior side	0 FT
Rear	0 FT

Secondary frontage (Corner only)	0 FT
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TABLE INSET:

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

**Sec. 90-44. Modifications of height regulations.**

*90-44.1* Architectural elements including cupolas, chimneys, flagpoles, spires, steeples, stair accessways, antennas, ventilators, tanks, parapets, trellises, screens and similar not used for human habitation, may be erected to a reasonable and necessary height, consistent with and not to exceed the following limitations:

TABLE INSET:

Designation	Maximum Height (Feet)	Maximum Percentage of Aggregate Roof Area
H30A	3 FT	1%
H30B	3 FT	1%
H30C	3 FT	10%
H40	12 FT	10%
H120	20 FT	30%
SD-B40	12 FT	10%

*90-44.2* Mechanical equipment rooms, including elevator shafts, and stair access ways may be allowed to exceed the maximum height limitations, not to exceed the limitations listed above, provided they shall be of a high architectural quality integral to the design of the building.

*90-44.3* In the H120 district, on lots or parcels where construction is regulated by the State of Florida Coastal Construction Code, maximum height shall be measured from ~~whatever the established elevation is~~ established determined by the Florida Department of Environmental Protection for the first floor.

*90.44.4* Height variations among architectural elements shall be of no less than five (5) feet in variation.

*90.44.5* Buildings with one continuous height shall be prohibited.

**90.45.1      Aggregation of lots**

- (1) For all lots aggregated in the H30C, H40 and H120 zoning districts after the effective date of this ordinance, the maximum permitted density shall be limited to eighty-five

(85%) percent of the total gross density permitted by the Comprehensive Plan when lots are aggregated.

- (2) Two or more lots of record shall be considered one undivided parcel for the purpose of density and/or intensity if there is a recorded unity of title demonstrating single ownership of two or more parcels or have been platted as one lot. However, the underlying land use or zoning shall prevail as to the permitted use on each of the lots.
- (3) Aggregated lots shall be contiguous properties but may be separated by a public right-of-way.

### **Sec. 90-47. Yards generally, allowable projections.**

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90-47.2 In all districts excepts SD-B40, Mmoveable awnings may be placed over doors or windows and may project not more than three feet into any required yard. In the SD-B40 district, awnings and non-permanent canopies may project over the public sidewalk, but shall not be greater than six (6) feet or the width of the sidewalk, whichever is less.

### **Sec. 90-49.1 Entrances, windows and storefronts**

The following Design Criteria are applicable to all multi-dwelling and non-residential properties

- a. All building facades, including those facing alleyways, shall be rendered consistently with the overall architectural treatment of the building.
- b. Pedestrian entrances shall be easily recognizable and oriented towards the public right-of-way.
- c. Divided light window mullions, where provided, shall be through the pane.
- d. Exterior burglar bars, fixed “shutters” or similar security devices shall be prohibited.
- e. Window and storefront articulations shall utilize similar proportions as those within the surrounding context and shall be primarily oriented towards the public right-of-way.
- f. Multiple storefronts within a larger building shall have consistent materials and articulation and shall relate to the detailing of the entire building.
- g. The bottom edge of windows shall be no less than twenty-four (24) inches above the fronting finished sidewalk elevation.
- h. For non-residential uses, the first vertical ten (10) feet of building elevation shall be composed of fifty (50%) percent minimum transparency for street-facing building facades and walls. The bottom of transparent openings shall be no higher than twenty-four (24) inches above the public right-of-way. Display windows used to satisfy these requirements shall have a minimum vertical dimension of four (4) feet and shall be internally illuminated.
- i. Mirrored, reflective and opaque tinted glass shall be prohibited.
- j. External street-level entrances shall be recessed and centered a minimum of thirty-six (36) inches from the building frontage.

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

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

- a. Awnings and canopies shall have consistent height and depth.
- b. Awnings and canopies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context.
- c. Awnings and canopies shall be consistent on multiple storefronts within a larger building.
- d. Awnings shall be fabric or metal. Plastic awnings are prohibited.
- e. Awnings shall be solid colors rather than patterned.
- f. Awnings shall utilize down lighting. Backlighting shall be prohibited.
- g. Awning valances shall be straight rather than curved, except for special architectural elements to be compatible with historic building styles.
- h. Awnings shall be attached to the building façades and shall not be supported by vertical elements within the right-of-way.

### **Sec. 90-49.3 Materials and finishes**

The following Design Criteria are applicable to all multi-dwelling and non-residential properties.

- a. The surface shall be stucco, stone, metal, glass block and accent wood. Materials vernacular or characteristic to other regions including but not limited to flagstone and adobe shall be prohibited.
- b. Materials shall be true and genuine, rather than simulated. Multiple storefronts within a larger building shall have consistent material qualities and articulation.

### **Sec. 90.49.4 Structured parking garages**

The following requirements apply to all structured parking garages.

- a. Overall form
  - (1) For every fifty (50) feet of a building wall in any direction, there shall be a three (3) foot minimum change in wall plane; and
  - (2) For every one-hundred (100) feet of a building wall parallel to the public right of way, there shall be a minimum ten (10) foot wide and minimum three (3) foot deep separation of wall plane; and
  - (3) Façade treatments fronting a public right-of-way shall provide architectural treatments consistent with and compatible to those across the public right-of-way or abutting properties and consistent with immediate buildings.
  - (4) For the first ten (10) feet of height along all blank walls, a minimum of eighty (80%) percent landscape coverage, such as a vine or hedges, shall be installed and maintained.



- (5) For facades above the first ten (10) feet, a minimum of fifty (50%) percent landscape coverage, such as vines or planters, shall be installed and maintained.
- (6) All vegetative coverage shall be maintained and watered appropriately to sustain health and coverage indefinitely without adverse impact to the structure.
- (7) Service areas and mechanical equipment associated with a primary use are permitted.

b. Ground Floor Level Façade

- (1) Facades shall not provide wall openings greater than eight (8) feet in any direction, except for ingress and egress purposes. All wall openings, except for ingress and egress purposes, shall be separated by a minimum five (5) foot wide wall.

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

90-51.1 Continuous wall frontage shall be articulated as follows:

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- (4) Structured parking garages: see Section 90-49.4.

**Sec. 90-62. Outdoor lighting.**

The following are applicable to all multi-dwelling and non-residential properties.

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- g. All lighting shall be controlled by photocell controls.

**90-67.1 Service areas and mechanical equipment**

The following are applicable to all multi-dwelling and non-residential properties.

- a. Service bays, mechanical equipment, garbage and delivery areas, shall be fully enclosed, screened or located within the interior of the building. These areas shall not be visible from the right-of-way and shall not be visible from properties with adjacent residential or hotel uses.
- b. Central air conditioning shall be required for trash rooms.
- c. All mechanical equipment shall be architecturally screened.

**90-67.2 Underground and above-ground utilities**

The following are applicable to all multi-dwelling and non-residential properties.

- a. All utilities including telephone, cable, and electrical systems shall be installed underground.

- b. All exterior facilities, including but not limited to electrical raceways and transformers, permitted above ground shall be fully concealed and screened.

**Sec. 90-73. Prohibited signs.**

90-73.1 No sign shall be erected, constructed, or affixed in violation of the provisions of these regulations, and any sign not specifically provided for and permitted by these regulations shall be prohibited. None of the following signs shall be constructed, erected, used, operated or maintained in the town:

\*\*\*

(m) Electronic signs either installed inside for view through windows or on the exterior of the building.

**Sec. 90-87. Installation of landscaping and irrigation.**

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~~(4) Garage and rooftop landscaping. Not less than 50 percent of rooftop areas of buildings that are ancillary to and are visible from upper level dwelling or hotel units on the same site shall be screened or buffered through the use of landscaped horizontal trellis structure, shade or palm trees in irrigated planters, canopies, screening walls enclosing mechanical equipment and/or through the decorative surface treatments of float roof areas with patterns of gravel or other surfacing materials in varying shades and hues to create a graphic composition. Not less than 50 percent of open rooftop parking on garage structures adjacent to upper level residential and hotel units shall be screened through the use of trellis structures, canopies or shade or palm trees in irrigated planters. All parking structures require irrigated planters with plant material that screens and buffer the parking structures on all sides.~~

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

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

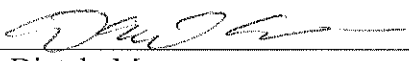
**Section 5. Inclusion in the Code of Ordinances.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be

renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 6. Effective Date.** This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 8<sup>th</sup> day of March, 2011.

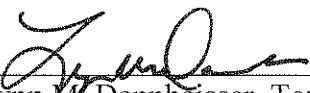
PASSED and ADOPTED on second reading this 12 day of April, 2011.

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

**Attest:**

  
\_\_\_\_\_  
Debra E. Eastman, M.M.C., Town Clerk

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

  
\_\_\_\_\_  
Lynn W. Dannheisser, Town Attorney

On First Reading Moved by: Commissioner Kopelman

On Second Reading Seconded by: Commissioner Karukin

**Vote:**

Mayor Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Graubart	yes	<input type="checkbox"/>	no	<input checked="" type="checkbox"/>
Commissioner Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Kopelman	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>