

ORDINANCE NO. 16- 1655

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-2 "DEFINITIONS" AND 90-33 "ALTERATION OR ENLARGEMENT OF NONCONFORMING STRUCTURES" TO PERMIT ALTERNATIVES FOR THE REDEVELOPMENT OF EXISTING ARCHITECTURALLY SIGNIFICANT BUILDINGS IN THE H120 ZONING DISTRICT; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to address expansions to existing nonconforming architecturally significant structures in the H120 zoning district; and

**WHEREAS**, the Town desires to incentivize the preservation, renovation and enhancement of architecturally significant buildings on H120 zoned lots by amending the provisions governing nonconforming structures; and

**WHEREAS**, the Town proposes to provide an alternative development option for owners of buildings deemed architecturally significant; and

**WHEREAS**, the Town Commission held its first public hearing on November 9, 2016 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 November 17, 2016 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 December 13, 2016; 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.** The code of the Town of Surfside, Florida is hereby amended as follows:

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

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Architecturally Significant Building: A building constructed prior to 1970 that has been determined by the Town, at the request of a property owner, to possess characteristics of a specific architectural style constructed in the Town pursuant to Section 90-33(3) of the Town Code. The exterior of the structure must be recognizable as an example of its style and/or period, and its architectural design integrity must not have been modified in a manner that cannot be reversed without unreasonable expense. The three recognized significant architectural styles in the Town are Mediterranean Revival, Streamline Modern, and Miami Modern.

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**Section 3. Code Amendment.** The code of the Town of Surfside, Florida is hereby amended as follows:

**Sec. 90-33. - Alterations or enlargement of nonconforming structures.**

Except as provided in this section a nonconforming structure shall not be enlarged in any manner or undergo any structural alteration unless to make it a conforming structure. Such alteration or enlargement may be permitted provide that:

- (1) Enlargement or alteration itself conforms to the requirement of these regulations;
- (2) Building non-conformity only as to height area or floor area requirements may be altered or extended; enlarged so long as it does not increase the degree of non-conformity for the applicable district.
- (3) Alterations or additions to architecturally significant buildings on H120 zoned lots that are nonconforming as to setbacks may follow existing building lines as long as the alteration or addition maintains the architectural integrity of the existing building. The lesser of the current code-required setback or the existing building line shall be deemed to be the required setback line.

Any redevelopment project undertaken under this subsection must comply with the Town's minimum finished floor elevation requirements for all portions of the building and further must be designed and developed in accordance with Leadership in Energy &

Environmental Design (LEED) or Florida Green Building Coalition (FGBC) building design and construction standards.

Redevelopment projects seeking to utilize the setback exception of this subsection shall be limited to a total height of no more than twice the number of existing floors in a building, up to a maximum of 120 feet.

<u>Existing Building Floors</u>	<u>Maximum Number of Floors of Redevelopment/Expansion using Exception</u>
<u>1</u>	<u>2</u>
<u>2</u>	<u>4</u>
<u>3</u>	<u>6</u>
<u>4</u>	<u>8</u>
<u>5</u>	<u>10</u>
<u>6 and above</u>	<u>12</u>

(a) Determinations of Architectural Significance. Determinations of architectural significance will be made as follows:

(1) All requests for a determination of architectural significance must be made by a property owner in writing on the forms promulgated by the Town. As part of the determination application, a property owner will submit an analysis of the architectural qualities of the existing structure prepared by a licensed architect, at the property owner's expense, demonstrating why the building is consistent with the Code's definition of an architecturally significant building. This analysis shall be accompanied with other materials deemed necessary by the Town Manager or designee to accommodate the review, including, but not limited to, all available data and documentation regarding the building, site, features, or other considerations by the Town Manager or designee.

(2) The Town Manager or designee will review the analysis prepared by the property owner and issue a recommendation as to whether the building meets the Town's standards of architectural significance. The property owner shall be responsible for the Town's costs associated with this review, including the fees charged by any necessary consultants, such amounts shall be determined by the Town Manager or designee and held in escrow by the Town.

(3) Determinations of architectural significance will be made by the Design Review Board, after public hearing, based on the following requirements.

(a) The building must be deemed to be a representative example of its architectural style. In order to qualify as a representative example, a building must incorporate at least two of the typical characteristics of its architectural style to be deemed to be architecturally significant or, alternatively, must have been designed by an architect well-known for the style in South Florida. Elements of the relevant styles are as follows:

i. Miami Modern.

(A) Use of concrete block or exposed concrete.

(B) Use of asymmetry, acute angles, boomerang shapes, cutouts, pylons, arches, geometric shapes, repetitive motifs or hyperparaboloids.

(C) Use of plate-glass, ribbon, clerestory and canted windows.

(D) The mixture of two or more textured surfaces.

(E) Use of brise-soleils and architectural screen block.

(F) Overhanging roof plates and projecting floor slabs.

(G) Exemplifies a regional style of architecture constructed in the post-war period.

ii. Streamline Modern.

- (A) Building forms that evoke automobiles, trains, ocean liners, and airplanes.
- (B) Massing that reflects abstract, simplified forms with rounded corners devoid of much applied decoration.
- (C) Horizontal compositions, bands of windows, racing stripes, and flat roofs.
- (D) Use of vitrolite, glass block, chrome, stainless steel, and terrazzo.
- (E) "Eyebrow" ledges over the windows, front porches,
- (F) Use of nautical motifs like porthole windows, and bas-relief panels depicting tropical scenes.

iii. Mediterranean Revival.

- (A) Use of bell towers, awnings, porches, balconies, carved stonework.
- (B) Style reflects the architectural influences of the Mediterranean coast: Italian, Byzantine, French, and Moorish themes from southern Spain.
- (C) Application of Spanish baroque decoration to openings, balconies, and cornices.
- (D) Use of arches, parapets, twisted columns, pediments, and other classical details.
- (E) Use of stucco walls, red tile roofs, wrought iron grilles and railings, wood brackets and balconies.
- (F) Use of casement windows.

(b) The building must have not been altered in a manner in that substantially impacts the original building design or obscures the

significant architectural elements in a manner that cannot be reversed without unreasonable expense.

(c) Significant exterior architectural characteristics, features, or details of the building remain intact.

(b) Alterations to Architecturally Significant Buildings. Any alteration proposed for a building on H120 zoned lots determined by the Design Review Board to be architecturally significant will be reviewed by the Town Manager or his designee and the Design Review Board to determine whether:

- i. The proposed alteration or addition does not require demolition or alteration in a manner that would render the building no longer architecturally significant; and
- ii. The proposed alteration or addition is designed in a manner that is compatible with the existing building.

(c) Site Plan review for Architecturally Significant Buildings. Any addition requiring a site plan that is proposed for a building determined by the Design Review Board to be architecturally significant will be reviewed by the Town Manager or designee, the Design Review Board, the Planning and Zoning Board, and the Town Commission to determine whether:

- i. The proposed alteration or addition does not require demolition or alteration in a manner that would render the building no longer architecturally significant; and
- ii. The proposed alteration or addition is designed in a manner that is compatible with the existing building.

**Section 4. 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 5. 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 6. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

**Section 7. Effective Date.** This ordinance shall become effective upon adoption.

PASSED AND ADOPTED on first reading this 9<sup>th</sup> day of November, 2016.

PASSED AND ADOPTED on second reading this 13<sup>th</sup> day of December, 2016.

On Final Reading Moved by: Commissioner Gielchinsky

On Final Reading Second by: Mayor Dietch

**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>

  
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Daniel Dietch, Mayor

**ATTEST:**

  
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Sandra Novoa, MMC, Town Clerk

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

  
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Linda Miller, Town Attorney