



**TOWN OF SURFSIDE  
PLANNING AND ZONING BOARD  
AND  
DESIGN REVIEW BOARD  
AGENDA  
JULY 31, 2014  
7:00 PM**

Town Hall Commission Chambers – 9293 Harding Ave., 2<sup>nd</sup> Floor  
Surfside, Florida 33154

**DESIGN REVIEW BOARD**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF MINUTES: June 26, 2014**

**4. DESIGN REVIEW BOARD APPLICATIONS:**

**A. Request of the Owner of Property located at 725-92 Street**

The applicant is requesting to convert the garage to additional living space for their single family home.

**B. Request of the Owner of Property located at 8834 Abbott Avenue**

The applicant is requesting to upgrade their front façade with new windows, doors, a stone veneer and a rear patio addition.

**C. Request of the Tenant of Property located at 9484 Harding Avenue**

The tenant is requesting to install a new sign (Geneva Tailor).

**D. Request of the Tenant of Property located at 9487 Harding Avenue**

The tenant is requesting to install a new sign (Sushi 26 Tapas).

**E. Request of the Owner of Property located at 9234 Bay Drive**

The applicant is requesting to knock down the existing residence and build a two story single family residence on the west side of Bay Drive.

**F. Request of the Owner of Property located at 8943 Harding Avenue**

The applicant is requesting to add a second story to an existing one story duplex.

**5. ADJOURNMENT.**

## PLANNING AND ZONING BOARD

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: **June 26, 2014**
4. ORDINANCE-

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA REPEALING AND REPLACING ARTICLE VI "SIGNS" OF "CHAPTER 90 ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," ARTICLE VII "OFF-STREET PARKING AND LOADING," DIVISION 1 "OFF-STREET PARKING," SECTION 90-77 "OFF-STREET PARKING REQUIREMENTS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING PARKING TRUST FEES PAID IN LIEU OF OFF-STREET; PARKING; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

5. DISCUSSION ITEMS:
  - A. Massing
  - B. Re-Schedule of P&Z/DRB Meeting from August 28<sup>th</sup> 2014 to August 27<sup>th</sup> 2014.
6. REPORT OF PERMITS ISSUED FOR THE MONTH OF JUNE 2014.  
[To be delivered separately]
7. ADJOURNMENT.

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND 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.

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 COMMUNICATION MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



**TOWN OF SURFSIDE  
PLANNING AND ZONING BOARD  
AND  
DESIGN REVIEW BOARD  
MINUTES  
JUNE 26, 2014  
7:00 PM**

Town Hall Commission Chambers – 9293 Harding Ave., 2<sup>nd</sup> Floor  
Surfside, Florida 33154

**DESIGN REVIEW BOARD**

**1. CALL TO ORDER**

Chair Lindsay Lecour called the meeting to order at 7:01 pm.

**2. ROLL CALL**

Recording Clerk Frantza Duval called the roll with the following members present: Board Member Armando Castellanos, Board Member Peter Glynn, Chair Lindsay Lecour, Vice Chair Jacob Kligman and Design and Review Board Member Jorge Gutierrez. Board Member Moisha Rubenstein and Design and Review Board Member Jennifer Weiss were absent. Commissioner Cohen attended as liaison.

**3. APPROVAL OF MINUTES: May 29, 2014**

Review Board Member Gutierrez made a motion to approve. The motion received a second from Vice Chair Kligman and all voted in favor with Board Member Rubenstein and Design and Review Board Member Weiss absent.

**4. DESIGN REVIEW BOARD APPLICATIONS:**

**A. Request of the Owner of Property located at 908 88 Street**

The applicant is requesting to demolish the existing house and build a new two story single family residence.

Town Planner Sarah Sinatra presented the item. Mr. Molina representing the applicants gave a presentation with details and visuals of the proposed structure. The Board was very pleased with the design of the house and thought it was very well done.

Board Member Castellanos made a motion to approve with the following conditions:

1. Correct the height of the structure
2. Submit an engineering analysis

The motion received a second from Board Member Gutierrez and all voted in favor with Board Members Rubenstein and Weiss absent.

**B. Request of the Owner of Property located at 9494 Harding Avenue**

The applicant is requesting to install a new permanent sign.

Town Planner Sarah Sinatra presented the item. Applicant Mr. Cesar Sanchez spoke on the item.

Board Member Glynn made a motion to approve. The motion received a second from Board Member Castellanos and all voted in favor with Board Members Rubenstein and Weiss absent.

**5. ADJOURNMENT.**

There being no further business to come before the Design and Review Board the meeting adjourned at 7:13 p.m.

**PLANNING AND ZONING BOARD**

**1. CALL TO ORDER**

Chair Lindsay Lecour called the meeting to order at 7:13 pm.

**2. ROLL CALL**

Recording Clerk Frantza Duval called the roll with the following members present: Board Member Armando Castellanos, Board Member Peter Glynn, Chair Lindsay Lecour, and Vice Chair Jacob Kligman. Board Member Moisha Rubenstein was absent. Commissioner Cohen attended as liaison.

**3. APPROVAL OF MINUTES: May 29, 2014**

Board Member Castellanos made a motion to approve. The motion received a second from Vice Chair Kligman and all voted in favor with Board Member Rubenstein absent.

#### 4. ORDINANCE-

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHATER 90 “ZONING”; AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; AMENDING SECTION 90-19.7 TO EXEMPT ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS FROM PLANNING AND ZONING BOARD REVIEW AND TO FOLLOW DESIGN GUIDELINES; AND CREATING SECTION 90-50.3 “ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS” TO PROVIDE REGULATIONS OF ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF OR ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE SURFSIDE CODE OF ORDINANCES, AND PROVIDING FOR AN EFECTIVE DATE.**

Recording Clerk Frantza Duval read the ordinance. Town Planner Sarah Sinatra presented the item.

There was some discussion regarding an array of panels on a roof and how it would be viewed by neighbors.

Board Member Glynn made a motion to move to the Commission. The motion received a second from Board Member Castellanos and all voted in favor with Board Member Rubenstein absent.

#### 5. DISCUSSION ITEMS:

**A. Sign Code** – Town Manager Sarah Sinatra gave an update on the issue and presented an in depth result of the joint meeting with the Commission. Ms. Sinatra also gave a power point presentation showing various types of signs, those in compliance and those that are non-conforming. There was some discussion regarding the color of illumination and the Board agrees the lighting should be a warm white. Board Member Glynn suggested that Building Official Ross Prieto contact various lighting companies and ask if any of them would be willing to do an analysis and test for the town to have a better understanding of what it would look like. Vice Chair Kligman suggested that we get an estimated cost in volume, a city price, to achieve uniformity with the tenants reimbursing the city.

Also discussed were TV screens inside the business as well as upper floor signage. The amortization schedule was mentioned. Building Official Prieto also gave some insight on the issue.

Chair Lecour thanked Ms. Sinatra for a very detailed presentation and update.

**B. Ten percent windows on each story**

Town Planner Sinatra presented the issue and the solution.

**C. Parking Trust Fund**

Town Planner Sinatra gave an update as to what was discussed at the Commission Meeting and said something will be prepared for the July meeting.

**D. Future Agenda Items**

Mayor Lecour felt that the potential future development of zoning areas H30 and H40 are a top priority. Town Manager Crotty suggested that this item be presented in a form of a motion so it could go forward in the next budget.

Board Member Glynn made a motion that the H30 and H40 zoning districts be prioritized and included in the 2014/2015 budget. The motion received a second from Board Member Castellanos and all voted in favor with Board Member Rubenstein absent.

Board Member Glynn brought up a future item regarding new construction of homes and the rising water levels which the town will eventually face.

**6. REPORT OF PERMITS ISSUED FOR THE MONTH OF MAY 2014.**

Building Official Prieto gave an updated report.

Town Manager Crotty have an update on the parking study as well as the second story of the community center. Board Member Glynn wanted to go on record stating he did not think we could build a second story to the community center without addressing the parking deficiency and would vote against the expansion of the center unless a parking lot is built with it as a package.

**7. ADJOURNMENT.**

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:19 p.m.

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

Attest:

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

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



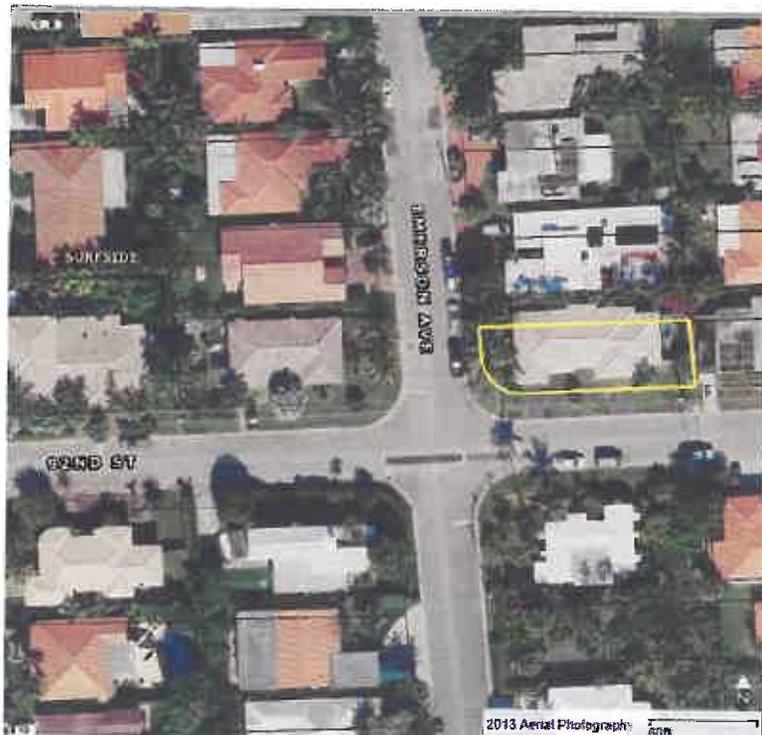
## MEMORANDUM

To: Planning and Zoning Board  
 Thru: Michael Crotty, Town Manager  
 From: Sarah Sinatra Gould, AICP, Town Planner  
 CC: Linda Miller, Town Attorney  
 Date: July 31, 2014  
 Re: 725 92<sup>nd</sup> Street – Garage Conversion

The property is located at 725 92<sup>nd</sup> Street within the H30B zoning district. The applicant is requesting to convert the garage to additional living space for their single family home.

Staff has reviewed the current application for consideration by the Planning and Zoning Board. In this report, Staff presents the following:

- Existing conditions of the property.
- Applicable Zoning Code regulations, along with the results of the review
- Applicable Design Guidelines, along with the results of the review
- Staff Recommendation





**Standards/Results**

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

***Sec. 90.50 (6) Converting Single Family Attached Garages***

<b>Required</b>	<b>Proposed</b>
When an attached garage is converted for any other use, the garage door or doors may be replaced by a solid exterior wall and access to the former garage area must be provided from the main premises, in addition to any other permitted access.	Solid wall is proposed. Access is provided to the main premises.
At least one (1) window shall be provided.	One window is provided.
If the garage entrance is located at the front or primary corner of the property, landscaping shall be provided along the base of the new exterior wall	Landscaping is not shown.  <b>Does not meet Code requirement.</b>

***Sec. 90.77 Off Street Parking***

<b>Required</b>	<b>Proposed</b>
2 spaces	Existing driveway has two spaces.

***Sec. 90.47.5 Building entrance porches***

<b>Building entrance porches</b>	<b>Required</b>	<b>Proposed</b>
May extend or project into the required front or side yard no more than 6 feet and required 2 foot setback.	6 feet encroachment (maximum) 2 feet setback (minimum)	Does not encroach.

**RECOMMENDATION**

Staff recommends approval with the exception that landscaping shall be provided along the base of the new exterior wall.



## MEMORANDUM

To: Planning and Zoning Board  
Thru: Michael Crotty, Town Manager  
From: Sarah Sinatra Gould, AICP, Town Planner  
CC: Linda Miller, Town Attorney  
Date: July 31, 2014  
Re: 8834 Abbott Avenue

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The property is located at 8834 Abbott Avenue, within the H30B zoning district. The applicant is requesting to upgrade their front façade with new windows, doors and a stone veneer. Also included is a rear patio addition.

Staff has reviewed the current application for consideration by the Planning and Zoning Board. In this report Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation



**Standards/Results**

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

<b>H30A and H30B</b>	<b>Percentage</b>	<b>Proposed</b>
<b>SINGLE STORY STRUCTURES</b>	<b>MINIMUM SETBACK</b>	
Interior side (lots equal to or less than 50 feet in width)	5 Feet	5 Feet
Rear	20 Feet	34 Feet, 9 Inches

Lot coverage is not affected because the patio addition is open on two sides.

**RECOMMENDATION**

Staff recommends approval.



## MEMORANDUM

To: Design Review Board  
 Thru: Michael Crotty, Town Manager  
 From: Sarah Sinatra Gould, AICP, Town Planner  
 CC: Linda Miller, Town Attorney  
 Date: July 31, 2014  
 Re: 9484 Harding Avenue – New Sign

The property is located at 9484 Harding Avenue, within the SD-B40 zoning district. The applicant is requesting to install a new sign. The office is Geneva Tailor. The applicant is proposing illuminated channel letters mounted on a wireway. The lettering is blue acrylic with white trim.

Staff has reviewed the current application for consideration by the Planning and Zoning Board. In this report, Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

### STANDARDS / RESULTS

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

##### *Sec. 90-71.1*

<b>Signs</b>	<b>Permitted</b>	<b>Proposed</b>
<b>Area</b>	25 square feet	15.3 square feet
<b>Approved word content</b>	Signs may include the following: 1) Trade name of establishment 2) Nature of business, services rendered or products sold on premises.	"Geneva Tailor" (Trade Name)
<b>Prohibited Word Content</b>	Signs may not include the following: 1) Any reference to price, except as provided in regards to "window sign."	"Geneva Tailor" (No reference to price.)



<p><b>Location</b></p>	<p>With the exception of theater marquees and V-box signs, no sign shall be erected so that any portion thereof shall project over a dedicated street or sidewalk or so that any portion thereof shall project more than five feet from any main building wall.</p>	<p>Sign does not project over the sidewalk or street.</p>
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**RECOMMENDATION**

Staff recommends approval.



## MEMORANDUM

To: Design Review Board  
 Thru: Michael Crotty, Town Manager  
 From: Sarah Sinatra Gould, AICP, Town Planner  
 CC: Linda Miller, Town Attorney  
 Date: July 31, 2014  
 Re: 9487 Harding Avenue – New Sign

The property is located at 9487 Harding Avenue, within the SD-B40 zoning district. The applicant is requesting to install a new sign. The restaurant is Sushi 26 Tapas. The applicant is proposing reverse channel letters. The lettering is black and red.

Staff has reviewed the current application for consideration by the Planning and Zoning Board. In this report, Staff presents the following:

- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

### STANDARDS / RESULTS

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

##### Sec. 90-71.1

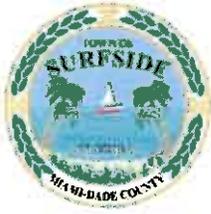
Signs	Permitted	Proposed
<b>Area</b>	One square foot for each running foot of frontage of the lot or portion of lot upon which the operating enterprise is located.	36.67 square feet  <b>Does not meet Code requirement.</b>
<b>Approved word content</b>	Signs may include the following: 1) Trade name of establishment 2) Nature of business, services rendered or products sold on premises.	"Sushi 26 Tapas" (Trade Name)
<b>Prohibited Word Content</b>	Signs may not include the following: 1) Any reference to price, except as provided in regards to "window sign.	"Sushi 26 Tapas" (No reference to price.)



<p><b>Location</b></p>	<p>With the exception of theater marquees and V-box signs, no sign shall be erected so that any portion thereof shall project over a dedicated street or sidewalk or so that any portion thereof shall project more than five feet from any main building wall.</p>	<p>Sign does not project over the sidewalk or street.</p>
<p><b>Window Sign</b></p>	<p>Cannot exceed 20% of the glass area</p>	<p>Less than 20% of the glass</p>

**RECOMMENDATION**

Staff recommends approval with the condition that sign area is reduced to 35 square feet.



## MEMORANDUM

To: Planning and Zoning Board  
 Thru: Michael Crotty, Town Manager  
 From: Sarah Sinatra Gould, AICP, Town Planner  
 CC: Linda Miller, Town Attorney  
 Date: July 31, 2014  
 Re: 9234 Bay Drive, New Residence

The property is located at 9234 Bay Drive, within the H30A zoning. The applicant is requesting to knock down the existing residence and build a two (2) story single family residence on the west side of Bay Drive.



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

## STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements**Sec. 90.43 Maximum building heights**

Height	Required Maximum	Proposed
H30A	30 feet	28 Feet 6 inches

**Sec. 90.44 Modifications of height regulations**

	Maximum height	Proposed
Parapet	3 feet	1 Foot 9 inches

**Sec. 90-45. Setbacks**

<b>H30A UPPER STORY IS 65% to 80% of the FIRST FLOOR AREA</b>	<b>Required</b>	<b>Proposed</b>
Maximum Lot Coverage	40%	20%
<b>FIRST STORY</b>		
Primary Frontage	Minimum 20 feet	24 feet 4 inches
Interior side	Minimum 10% of the frontage 5 feet 6 inches	5 feet 7 inches 5 feet 6 ½ inches
Rear	Minimum 20 feet	125 feet 8 inches
<b>UPPER STORY</b>		
Primary frontage	Minimum 20 feet/Average 30 feet	35 feet 9 inches
Interior side (lots greater than 50 feet in width)	Minimum 10% of the lot frontage/Average 20% of the frontage.	5 feet 7 inches 5 feet 6 ½ inches
Rear	Minimum 20 feet/ Average n/a	125 feet 8 inches

**Sec. 90.49 Lot standards**

Lot Standards H30A	Required	Proposed
Minimum Lot width	50 feet	56 feet 6 inches
Minimum lot area	8,000 feet	12,084 square feet
Maximum lot coverage	40%	20%
Pervious area	35% (minimum)	55%

**Sec. 90.50 Architecture and roof decks**

	Required	Proposed
Unique Elevation	A unique elevation from the main buildings of the adjacent two (2) homes shall be created through the modulation of at least three (3)	Unique as to A, B, D and E. Façade will be painted white stucco.

	of the following architectural features: (a)Length, width and massing of the structure; (b)Number of stories; (c)Façade materials; (d)Porches and other similar articulation of the front façade; (e)Number and location of doors and windows; and (f)Roof style and pitch.	
Wall openings	10% for all elevations	All elevation have at least 10% wall openings
Roof Material	(a) Clay Tile; (b) White concrete tile; (c) Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; (d)Architecturally embellished metal if granted approval by the Design Review Board; or (e)Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.	Flat roof is proposed

**Sec. 90.61.1 Paving in front and rear yards in H30 and H40 Districts**

<b>Paving Yards</b>	<b>Required</b>	<b>Proposed</b>
Front setback permeability	50% minimum	65.7%
Front yard landscaped	30% minimum	43.5%
Rear yard landscaped	20% minimum	67%
Number of Curb Cuts	One	One curb cut
Curb Cut side set back	5 feet minimum	Exceeds 5 feet
Curb cut width	18 feet width maximum	18 feet
Driveway Materials	Limited to the following 1. Pavers 2. Color and texture treated concrete, including stamped concrete 3. Painted concrete shall not be permitted. 4. Asphalt shall not be permitted.	Concrete Pavers and grass

**Sec. 90-77 Off-street Parking Requirements**

Required	Minimum Space Requirements	Proposed
Single-family	2 spaces	2 spaces

**Sec. 90-89.4(6). Street Tree Requirements**

Required	Required	Proposed
Street trees shall be required at one shade tree/palm tree per 20 linear feet of street frontage thereof along all public or private street right-of-ways in all zoning districts.	3 trees	3 trees

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

Required	Required	Proposed
A minimum of five trees of two different species and 25 shrubs shall be planted per lot. For all lots larger than 8,000 square feet in area, additional shrubs and trees shall be provided at the rate of one tree and ten shrubs per 2,000 square feet of lot area.	7 trees, 45 shrubs	7 canopy shade trees, 45 shrubs

**Town of Surfside Adopted Residential Design Guidelines*****Building Massing***

Required	Proposed
Building forms should be varied enough to avoid monotony and to avoid pyramidal massing and should be compatible with surrounding houses.	Consistent

***South of property:***



***North of property:***



***West of property:***



**Main Entries**

<b>Required</b>	<b>Proposed</b>
Prominent and oriented to the street	Main entry is recessed.
Rendered in appropriate scale for the block as well as the individual building	Appropriate for block.
Entry feature should not extend above the eave line of the structure	The entry feature does not extend above the eave line.
Should not be obstructed from view by fences, landscaping or other visual barriers	Wall is provided that conceals the entry.

**Decorative Features**

<b>Required</b>	<b>Proposed</b>
Decorative features should be stylistically consistent throughout the entire building.	Consistent.

**Overall Architectural Style**

<b>Required</b>	<b>Proposed</b>
The overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof.	Consistent.

**Parking Driveways**

<b>Required</b>	<b>Proposed</b>
The width of paved driveways on private property as well as driveway cuts at the curb should be as narrow as possible	Minimum width provided.

**Driveway Treatments**

<b>Required</b>	<b>Proposed</b>
Town encourages the use of pavers	Pavers provided.

**Wall Materials and Finishes**

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

**Roof Materials, Types, and Slopes**

<b>Required</b>	<b>Proposed</b>
Roof types and slopes should be generally the same over all parts of a single building.	Consistent
Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to: 1. Clay tile; 2. White concrete tile;	White flat roof.

<p>3. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is first approved by the planning and zoning board; and 4. Metal.</p>	
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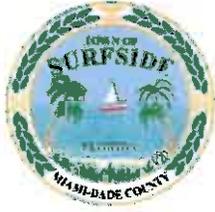
**Windows and Trims**

<b>Required</b>	<b>Proposed</b>
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 is recommending approval with the following conditions:

- 1) Confirm height with the Building Official at permit submittal. The code requires height to be measured from the crown of the road to no greater than 30 feet (plus 3 feet for architectural/mechanical). The survey states the centerline of the adjacent road is 3.835, but the plans indicate NGVD at the garage entrance is 4.2 feet. This appears to be in conflict and must be corrected when the permit plans are submitted.
- 2) Remove the wall at the front property line. The code permits a wall no greater than 4 feet in the front yard, no greater than 50% opaque for wall surfaces over 2 feet measured from grade. The wall appears to be 100% opaque and height is not provided.



## MEMORANDUM

**To:** Planning and Zoning Board  
**Thru:** Michael Crotty, Town Manager  
**From:** Sarah Sinatra Gould, AICP, Town Planner  
**CC:** Linda Miller, Town Attorney  
**Date:** July 31, 2014  
**Re:** 8943 Harding Avenue

The property is located at 8943 Harding Avenue, within the H30C zoning. The applicant is requesting to add a second story to an existing one story duplex. The building will be totally renovated to accommodate and will continue to function as a two-family building. The first floor will provide two units. One of the units will have stairs to the second floor. The second floor will provide bedrooms and a large terrace.



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

## STANDARDS / RESULTS

### Town of Surfside Zoning Code, Applicable Requirements

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

Height	Required Maximum	Proposed
H30C	30 feet	19 Feet 11 inches

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

H30C	Required	Proposed
Primary Frontage	Minimum 20 feet	23 Feet 11 inches
Interior side	Minimum 5 Feet	5 Feet
Rear	Minimum 10 feet	28 Feet 3 inches

#### **Sec. 90.49 Lot standards**

Lot Standards H30C	Required	Proposed
Minimum Lot width	50 Feet	50 Feet
Pervious area	20% (minimum)	32%

#### **Sec. 90.50 Architecture and roof decks**

	Required	Proposed
Wall openings	10% for all elevations	All elevation have at least 10% wall openings
Roof Material	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 if granted approval by the design review board; d. Architecturally embellished metal; or e. Other Florida Building Code approved roof material(s) if granted approval by the design review board.	A flat roof is proposed

#### **Sec. 90.61.1 Paving in front and rear yards in H30 and H40 Districts**

The current condition provides a 100% paved over front setback. The applicant is proposing to modify the current condition by offering greater setbacks on the side to accommodate a better parking layout. Staff recommends that the setback area adjacent to the parking be landscaped. The applicant is proposing pavers for the parking spaces.

**Sec. 90-77 Off-street Parking Requirements**

Required	Minimum Space Requirements	Proposed
1 bedroom = 1.5 space 2 & 3 bedroom = 2 spaces	4 spaces	4 spaces

**RECOMMENDATION**

Staff is recommending approval with the following conditions:

- 1) Provide landscaping in the setback area adjacent to the parking spaces.



## Town of Surfside Planning and Zoning Communication

**Agenda Date:** July 31, 2014

**Subject:** Sign Code

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

**Background:** The Planning and Zoning Board has requested the Town update its Sign Code. This request is a result of the Board reviewing signage that meets code requirements, but is not the quality desired in the business district. Staff was authorized to proceed in January 2014. The Downtown Vision Advisory Committee (DVAC) reviewed the conceptual changes of the code in March 2014 and joint Planning and Zoning Board/Town Commission meeting was held in May 2014. This was further discussed at the June 26, 2014 Planning and Zoning Board Meeting.

The joint meeting and the following Planning & Zoning Board meeting resulted in a number of discussion topics. The following analysis provides a full summary of changes in the code, however, due to certain topics of interest at the joint meeting, here is a brief synopsis of modifications resulting from that meeting. The *italicized* is the code language and the bulleted section is the explanation of staff's analysis.

1. *National flags shall not exceed twenty (20%) of the window glass area.*
  - Flags are exempt from permit requirements and the 20% limitation is the same as other window signage requirements.
2. *Open/Closed sign suspended behind a glass window or door provided the sign does not exceed one (1) square foot are permitted and may be illuminated by white internal illumination.*
  - It was requested at the meeting that open/closed signs be limited to one color. Staff researched this and found that typical open/closed signs are blue and red. Requiring these signs to be one color will result in a custom open/closed sign. Therefore, staff did not limit the color, only the illumination.

3. *Temporary window signs of any nature may be attached to glass window or doors, or mounted within 12 inches of a glass window or door.*
- The existing code required any temporary signage to be placed no closer than 12 inches to a window or door. It has been observed that this requirement is continually violated, therefore, staff is recommending that the 12 inch restriction be removed and temporary signage be permitted to be attached to the glass.
4. *Illumination. All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn.*
- This requirement will assist with keeping the business district lit at night. The illumination may be either internal or external. The maximum illumination proposed is 10 foot candles measured from the centerline of the adjacent sidewalk. Based on the June 26, 2014 Planning and Zoning Board meeting, the Board has requested that staff test the foot candles by measuring foot candles of TV screens in the business district to determine if 10 is too high. Staff will conduct this analysis prior to the July 31, 2014 Planning and Zoning Board meeting and adjust the foot candles in the ordinance if necessary.
  - There was discussion of requiring either the business owner or the tenant to come into compliance. The property owner, not the tenant, has the responsibility to make certain their property is in compliance with the Town's codes.
5. *Television screen or similar. Television screens or similar electronic features may be located inside the storefront and project out to the sidewalk. These features shall be oriented towards the pedestrian and angled to be parallel to the sidewalk. Television screens or similar electronic features shall not exceed twenty (20%) percent of the area of the glass window if the feature is within thirty-six (36) inches of the window. Television screens or similar electronic features located within greater than thirty-six (36) inches of the window shall not be required to be no greater than twenty (20%) percent of the window area. A maximum of two foot candles of illumination shall be permitted from any television screens or similar electronic features to be measured at the centerline of the adjacent sidewalk.*
- Staff is recommending permitting TV screens or similar features, but they shall be limited to 20% of the storefront and limited to two foot candles as measured from the centerline of the adjacent sidewalk.



6. *Offset.* Signs shall be off-set from the wall a minimum of one quarter inch to a maximum of two inches to permit rain water to flow down the wall face. This is not applicable to push-through or raceway mounted lettering.
7. *Prohibit cabinet signs.*
8. *Signage for upper floor tenants.* Each upper floor tenant shall be entitled to erect permanent signage which does not exceed 80% of the allowable signage square footage for the first floor signage, provided such sign meets all of the requirements of this subsection. In addition, each upper floor tenant shall be entitled to erect a single sign, not over one-hundred and eight (108) square inches in size, at the entrance or lobby of the building which provides egress to the upper floor.
- Staff is recommending permitting signage for second floor tenants which does not exceed 80% of the signage for the first floor tenant. Requiring the signage to be the same materials for the first floor tenant as the second floor was analyzed, but it is not recommended.
  - Staff does not recommend permitting a projecting sign for the second floor tenants.
9. *Sign amortization.* All legally permitted signs which become non-conforming by the provisions of this Code shall be replaced with a conforming sign within three years of the effective date of this ordinance.

Non-conforming signs shall be immediately replaced if any of the following conditions exist during the amortization period.

- (1) There is additional development of a site
- (2) There is a change in use, occupancy, or tenant
- (3) There is a change in sign copy (with the exception of window signs)
- (4) There is a structural sign alteration or repair
- (5) There is sign damage by any cause which exceeds 50% of the sign as determined by the Building Official
- (6) There is removal of a sign

- Provided an amortization of non-conforming sign of 3 years, but shall be immediately replaced if certain actions described above occur. The Town will provide information to the businesses regarding grant opportunities to assist in sign compliance.

### Summary of changes:

The following summary is a comparison of changes in the code by section.

#### General and miscellaneous provisions

- (b) Deleted language related to Supreme Court case studies and legal references
- (e) Removed "Definitions" from this section and created a new section solely containing terms and definitions

#### Definitions

Removed	Removed and Replaced	Amended
Directory & upper floor sign	Blade sign (see Projecting sign)	"Cabinet sign" definition
Murals	Community interest sign (see <i>Special Event Banner</i> )	"Changeable copy" definition
V-box	Grand opening banner (see <i>Special Event Banner</i> )	"Monument sign" definition
	Menu holders (see <i>Menu sign</i> )	"Non-conforming sign" definition
	Pedestrian sign (see <i>Projecting sign</i> )	"Sign" definition
	Primary occupancy sign (see <i>Primary Business sign</i> )	"Temporary sign" definition
	Sandwich or "A" frame (see <i>Portable Sign</i> )	"Window sign" definition
	Sidewalk café signage	

	(see Portable Sign)	
	Sign area (see Area)	
	Pest control warning sign (see Fumigation warning sign)	

Added		
Area	Frontage, Building and Street	Pole mounted sign
Awning sign	Fumigation warning sign	Portable sign
Bandit sign	Home business sign	Primary business sign
Balloon sign	Individually mounted letter sign	Push-through sign
Banner sign	Illuminated	Raceway
Billboard sign	Marquee	Reverse channel sign
Business hours sign	Menu sign	Sign Face
Commercial sign	Non-commercial sign	Secondary business sign
Conforming sign	Non-complying sign	Umbrella sign
Copy	Open/Closed sign	Wall sign
Frontage	Pan Channel Letter	
Freestanding sign	Permanent sign	

### Sign Design Parameters

- Changed section heading to "Sign Design and Appearance"
- (b) (c) Use of streets, waterways, sidewalks, public property and vacant lots language moved to a new section entitled "Prohibited Sign Locations"
- (d) Sign removal language moved to a new section entitled "Sign Removal" which outlines the time limitations and parameters for removal of both permanent and temporary signs
- (e) Moved "Pest control warning sign" language to the "Sign Permit" section under "Exempt Signs." Renamed "Pest control warning sign" "Fumigation

Warning sign” as it is officially referenced by the Department of Agriculture and Consumer Services. Under Florida State Administrative Code “Fumigation Warning signs” already have specific design and placement requirements; as such, all references to design parameters for this type of sign were removed. (See RULE 5E-14.122 of the Florida State Administrative Code: “Fumigation Requirements – Pre-fumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities.”)

- Added new language to this section which speaks more directly to design parameters and sign appearance such as appropriate scale, size, sensitivity to surrounding buildings and street context, incorporating complementary colors in sign design, use of weather resistant materials and proper sign maintenance and upkeep
- Extended time frame within which damaged or defective conforming signs must be removed and repaired from 30 days to 90 days.
- Required any damaged or defective non-conforming signs to be replaced with a sign that meets the requirement of the most current sign code.
- Added a list of exempt signs which do not require a permit including temporary signs, national flag, Town banners, numerical address sign, menu sign, hours of operation sign, management sign, open/closed sign, and fumigation warning sign.
- Limited the size of a national flag in the business district to 20% of the window glass area of the storefront.
- Added a requirement that all illuminated signs shall require a separate electrical permit
- Added a “Local Business Tax Receipt” requirement which says no such receipts shall be issued for a new business until all signs associated with the former business are removed.
- Added evaluation criteria for permit review
- Extended the time period for failure to commence from 90 days to 2 years.



*National Flag*



*Town Banners*



*Numeric Address Sign*



*Open/Closed Sign*



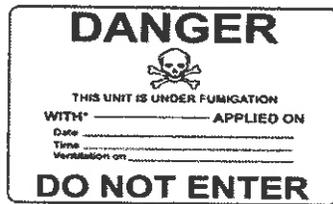
*Business Hours Sign*



*Menu Sign*



*Property Management Sign*



*Fumigation Warning Sign*

## Permanent Signs by District

- The following sign types were **added** to the permanent signs list:



▪ *Projecting Sign*



*Reverse Channel (Halo effect)*



*Raceway*



*Push through lettering*



*Pan channel letter*

### SD-B40 Zoning District

- (d) "Miscellaneous" 'Managed by..' sign type moved to the exempt signs list under "Sign Permits"
- (e) "Location" language moved to a new section entitled "Prohibited Sign Locations"
- (f)(1)(2)(3)(4) Temporary "Window Signs" moved to the "Temporary Signs" section
- (f)(5) Menu sign, hours of operation, and open/closed sign moved to exempt signs list under "Sign Permits".
- (f)(5) List of acceptable materials added to description of permanent "Window Signs" including painted gold leaf or silver leaf, silk screen, cut or polished metal, cut or frosted vinyl and etched glass
- (i) Permitted upper floor tenants to have wall signage no greater than 80% of the lower floor tenants but no signage above the eave line of the building.
- Required internal or external illumination for signs from dusk to dawn.
- Require buildings facing the alley to provide a reflective emergency address sign
- Permit illuminated Open/Closed signs.



*Painted Gold Leaf*



*Painted Silver Leaf*



*Silk-Screen*



*Cut Vinyl*



*Frosted Vinyl*



*Etched Glass*



*Cut or Polished Metal*

*H30C, H40, MU and H120 Districts*

- (b)(3) Edited acceptable wording/lettering for "Supplemental Sign"
- (e)(4) Edited acceptable wording/lettering for "Parking Sign" section
- (e)(6) Added a requirement that "Monument Signs" be landscaped at the base and that internal or external illumination be permitted.

*H30A and H30B Districts*

- (a)(b)(c) Redefined permitted permanent sign type within this district as "Wall Sign"

**Sec 90-73 of original sign code Prohibited Signs**

- In addition to Home Business sign and signs which emit smoke, vapor, or noise the following sign types were **added** to the list of prohibited sign types:





**Temporary Signs**

- Required all temporary signs to be professionally lettered
- Added Construction Sign to the list of allowable temporary signs
- Added Temporary Window Sign to the list of allowable temporary signs
- Added Special Event Banner Sign to the list of allowable temporary signs
- Permit temporary signage to be placed in the window rather than only 12 inches from the glass.

*Construction Sign*

*Temporary Window Sign*

*Special Event Banner*



*Real Estate Sign*

- (a) Added a timeframe for sign removal
- (b) Revised the maximum sign area within the SD-B40 District
- (d) Revised the area and height requirement for signs within the residential district in addition to allowing for sign riders
- (e) Allowed for signs to be black and white and to permit logos or symbols
- Added the requirement that signs be made of rigid, weatherproof materials

*Political Sign*

- Replaced requirement that sign be "...no closer than ten (10) from any lot line," with "No portion of the sign shall extend across the property line."

- Placed a prohibition on illumination of such signs
- Added language prohibiting placement of political signs on public property
- Placed a maximum height limitation of forty-two (42) inches from the ground for such signs

### **Non-conforming Signs**

- Provided a three year amortization period.
- Added language that prohibits relocation of non-conforming signs
- Added a section on non-complying signs

### **Sign Construction and Maintenance**

- This section was deleted and language moved to the "Sign Design and Appearance" section

### **Next Steps**

- August 12, 2014 Town Commission second reading

**Budget Impact:** This task was conducted under a separate work authorization for \$15,000.

**Growth Impact:** N/A

**Staff Impact:** N/A

**Staff Recommendation:** Approval. The Town Commission approved this ordinance on first reading, with a request to review the second floor tenant signage to make sure there were proper limitations on the number of permitted signs. Staff modified the code to limit the number of signs. Also, the Commission requested staff review the location of political signs and the color limitations on realtor signs. No change was required.

The Planning and Zoning Board requested that staff measure the foot candles of the TV screens in the business district to confirm that 10 foot candles was adequate. Staff has measured the foot candles and is recommending two foot candles.

Lastly, the Board requested that Staff work with a lighting company on analyzing wall washers. Staff conducted initial cost estimates and it appears that wall washers would be a minimum of \$1,000 per 30 linear feet for the lighting, not including permitting and electrical hook up costs. There also could be façade improvements necessary to conceal the light source. Based on this cost, staff is not recommending the wall washers as a requirement and instead is recommending all signage to be illuminated, internal or external. If it is externally illuminated, the illumination shall be warm white wall washers.

ORDINANCE NO. 14 - \_\_\_\_\_

**AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA REPEALING AND REPLACING ARTICLE VI “SIGNS” OF “CHAPTER 90 ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (the “Town”) revised and replaced its sign code in its entirety by Ordinance No. 10-1558; and

**WHEREAS**, the Town after study has determined that further updating and revisions to the Town sign code are advisable; and

**WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the revisions to the sign code at a duly noticed hearing on July 31, 2014 and determined that it is consistent with the Town’s comprehensive plan and recommended its adoption; and

**WHEREAS**, the Town Commission has reviewed this Ordinance and the recommendations of the Planning and Zoning Board at a duly noticed hearing; and

**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. Adoption of the Sign Code.** The Town Commission hereby repeals the existing sign code in Article VI of Chapter 90 “Zoning” and replaces it with the sign code as follows:

## ARTICLE VI. SIGNS

### Table of Contents

Sec. 90-68	General and miscellaneous provisions
Sec. 90-69	Definitions
Sec. 90-70	Sign permits
Sec. 90-71	Sign design and appearance
Sec. 90-72	Sign removal
Sec. 90-73	Permanent signs by district
Sec. 90-74	Temporary signs by district
Sec. 90-75	Prohibited signs
Sec. 90-76	Prohibited sign locations
Sec. 90-77	Non-conforming signs
Sec. 90-78	Non-complying signs

### Sec. 90-68. General and miscellaneous provisions.

- (a) *Scope*: The provisions of this article shall govern the number, size, location, and character of all signs which may be permitted either as a main or accessory use under the terms of this article. No signs shall be permitted on a plot or parcel either as a main or accessory use except in accordance with the provisions of this article.
- (b) *Purpose*: This article shall be known as the "Town of Surfside Sign Code." The purpose of the code is to improve and advance the governmental purpose of aesthetics, quality of life, and safety of the Town and its residents, while meeting the need for signage that clearly identifies locations, advertises businesses, and otherwise communicates commercial and noncommercial messages.
- (c) *Substitution of non-commercial speech for commercial speech*: Notwithstanding any provisions of this article to the contrary, to the extent that this article permits a sign containing commercial copy, it shall permit a non-commercial sign to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to non-commercial, or from one non-commercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all requirements of this article.
- (d) *Severability*:
- (1) *Generally*: If any part, division, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of

unconstitutionality or invalidity shall not affect any other part, division, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.

- (2) *Severability where less speech results:* This article shall not be interpreted to limit the effect of subsection 90-68(d)(1), or any other applicable severability provisions in the Code of Ordinances or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to these sign regulations even if the result would be to allow less speech in the Town, whether by subjecting currently exempt signs to permitting or by some other means.
- (3) *Severability of provisions pertaining to prohibited signs:* This division shall not be interpreted to limit the effect of subsection 90-68(d)(1) above, or any other applicable severability provisions in the Code of Ordinances or any adopting ordinance. The Town Commission specifically intends that severability shall be applied to 90-75, "Prohibited signs," so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.
- (4) *Severability of prohibition on off-premises signs:* This division shall not be interpreted to limit the effect of subsection 90-68(d)(1) above, or any other applicable severability provisions in the Code of Ordinances or any adopting ordinance.

#### **Sec. 90-69. Definitions.**

Words and terms not defined shall be interpreted in accord with the normal dictionary meaning and the customary usage of the word shall apply.

*Area:* The entire perimeter of a sign which encloses visually communicative copy such as letters, symbols, or logos, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

*Awning sign:* a sign that is a part of or attached to an awning, canopy, or other material or structural protective cover mounted over a door, entrance, window, or outdoor service area.

*Bandit sign:* A sign made of corrugated cardboard or similar material placed on wire support poles typically placed within right-of-ways or on private property.

*Balloon sign:* An inflatable sign which may be tethered.

*Banner sign:* A sign composed of lightweight, flexible material suspended between two points.

*Billboard sign:* A significantly large sign designed to dramatically attract the attention of the travelling public. Such signs are used to advertise or communicate goods or services typically not sold, generated, or provided on the site where the sign is located.

*Business hours sign:* A small sign indicating the hours during the day in which business is commonly conducted.

*Cabinet sign:* Any sign, the face of which is enclosed, bordered, or contained within a hinged box-like structure, frame, or other device.

*Changeable copy:* A sign or portion thereof on which letters, illustrations or symbols are replaced automatically or manually.

*Commercial sign:* A sign that identifies, advertises or otherwise attracts attention to a product or business.

*Conforming sign:* A sign that is legally installed in accordance with local ordinances.

*Construction sign:* A temporary sign identifying those engaged in construction or remodeling on a building site, including the developer, contractor, subcontractor, architect, engineer or artisans involved in the project.

*Copy:* The content of a sign including words, letters, numbers, figures, designs, logos, graphics, colors, or other symbolic representation incorporated into a sign for the purpose of attracting attention.

*Flag:* A piece of fabric or bunting with a color or pattern that represents a government, or other non-commercial organization or idea.

*Freestanding sign:* a sign mounted on one or more supports including uprights, braces, columns, poles, posts, or other similar structural components which are placed on or into the ground, and not attached to a building.

*Frontage, Building:* The length of the exterior building wall of a single premise oriented towards the public way or other properties it faces.

*Frontage, Street:* The distance along which the lot line of a property adjoins a public street.

*Fumigation warning sign:* A sign indicating a lethal gas to exterminate pests is in use in a building, residence or premise. Warning signs are posted in plainly visible locations or the immediate vicinity of all entrances. Absolutely no people or pets may enter a structure with a posted warning sign.

*Home business sign:* A sign indicating a small business operating from the owner's home office or residence.

*Individually-mounted letter sign:* A wall sign using letter forms which are singularly affixed to the sign surface.

*Illuminated:* A sign which is lighted by either an internal electrical source, an external source separate from the sign itself, or back-lit.

*Marquee:* A roof-like sign structure commonly placed over the entrance to a hotel or theater often identifiable by a surrounding cache of intermittent or chasing lights.

*Menu sign:* A sign indicating food items or products served on the premises.

*Monument sign:* A free-standing sign generally having a low profile where the base of the sign structure is on the ground independent of the building, but does not include a pole sign.

*Non-commercial sign:* A sign that does not contain copy that advertises or promotes the availability of any merchandise, service, institution, residential area, entertainment, or activity. Such sign typically conveys an opinion, idea, or concept; or displays a civic, political, religious, seasonal or personal message.

*Non-complying sign:* Any unlawful sign that has not been erected in accordance with one (1) or more standards or regulations of the Code.

*Non-conforming sign:* A sign or advertising structure which was lawfully erected and maintained prior to the enactment or amendment of the Code, which by its height, type, square foot area, location, use or structural support does not conform to the current standards or regulations in effect.

*Off-premise sign:* Any sign advertising a commercial establishment, activity, product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which the sign is located.

*Open/Closed sign:* a small sign usually hung in a storefront window announcing a place of business is open or closed for business.

*Permanent sign:* A sign attached to a building, structure, or the ground that is entirely constructed out of durable materials designed to resist environmental loads, such as wind, and is fixed in place in such a manner as to inhibit easy removal or movement of the sign.

*Pole-mounted sign:* A free-standing sign mounted on a pole, post, or other vertical support.

*Political sign:* Any sign which indicates the name, cause or affiliation of anyone seeking public office or which references a ballot issue.

*Portable sign:* Any sign mounted on or supported by a moveable frame or object of any kind including A-frame, sandwich board, signs attached to mannequins, signs mounted on tables or chairs or any other similar type of signage primarily designed to attract the attention of sidewalk traffic.

*Projecting Sign:* Small pedestrian sign typically supported by a decorative chain or bracket that projects perpendicular from the face of the building, located above the storefront entry and oriented to the pedestrian

*Primary business sign:* An establishment's principal sign which identifies the business to a passerby, communicating the most pertinent information.

*Push-through sign:* lettering or logo image cut through the sign face and backing material which is mounted or inlaid in such a way that the sign looks as if the lettering or image has been pushed through, up, and out of the sign.

*Raceway:* a horizontal or vertical structural element on which sign letters are mounted that houses electrical conduit for illumination.

*Real estate sign:* A temporary sign erected by the owner or agent indicating property which is for rent, sale or lease, including signs pointing to a property which is open for inspection by a potential purchaser (open house sign) or a sign indicating "shown by appointment only" or "sold."

*Reverse channel sign:* A sign comprised of individual letters or images that are independently mounted to a wall or other surface, with lights mounted behind the letters. The lights face the wall behind the letters illuminating the space around the letters rather than the letters themselves, creating a "reverse" lighting effect or "halo" effect.

*Roof sign:* A sign erected over, across or on the roof of any building, which is dependent on the roof, parapet or upper walls of a building for support.

*Secondary business sign:* A sign which communicates or identifies accessory information or uses other than the primary business or use.

*Sign:* Any structure and all parts composing the same, together with the frame, background or support, or any other object used for display or advertising purpose designed to attract the attention of the public.

*Sign Face:* The portion of a sign on which copy is intended to be placed, exclusive of any supporting structures.

*Snipe sign:* A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, walls, trash receptacles or fences, or to other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located. Legal notices required by law are exempt.

*Temporary sign:* A sign which is allowed for a limited amount of time such as a special event banner sign, construction sign, political sign or real estate sign.

*Umbrella sign:* A sign located on an umbrella commonly used as shelter for sidewalk tables.

*Wall sign:* A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in such a way as to be substantially parallel to such exterior building wall to which it is attached or supported by.

*Window sign:* Any sign that is visible from the exterior of a building through an open or closed window or door including signs attached to, suspended behind, placed on or near, or painted upon such window or door.

#### **Sec. 90-70. Sign permits.**

- (a) *Sign permit required.* Except as otherwise provided in this Code, no permanent shall be erected, constructed, posted, painted, altered, maintained, or relocated until a sign permit has been issued by the Town.
- (b) *Exempt Signs.* The following signs are allowed and exempt from permit requirements:
- (1) National flag. A flag displayed in a window shall not exceed twenty (20%) of the window glass area.
  - (2) Banners erected by the Town including street pole banners.
  - (3) Non-illuminated numerical address.
  - (4) Open/Closed sign suspended behind a glass window or door provided the sign does not exceed one (1) square foot. The sign may be illuminated by white internal illumination. Illuminated signs shall not be allowed to blink intermittently.
  - (5) Non-illuminated business hours sign suspended behind a glass window or door provided the sign does not exceed one (1) square foot.
  - (6) All temporary signs as provided in Section 90-74.

- (7) Menu sign not exceeding two (2) square feet displayed on the wall, window, or front door of a sit-down restaurant within the SD-B40 district only.
- (8) Plastic or metal wall sign not larger than sixteen (16) inches in width and five (5) inches in height stating "Managed by \_\_\_\_\_" with the name of the individual, partnership or corporation that manages a building.
- (9) Fumigation warning sign as required by the Department of Agriculture and Consumer Services.
- (c) *Application.* Before any permit is issued, a written application, in the form provided by the Town, shall be filed, together with such drawings and specifications as may be necessary to fully advise the Town with the location, construction, materials, manner of illuminating, method of securing or fastening, the number of signs applied for, the consent of the property owner, and the wording of the sign. Upon the submission of an application, staff shall have ten (10) working days to determine whether it is complete. If staff finds that the application is not complete, they shall provide the applicant with written notice of the deficiencies within the ten (10) working days period. Upon resubmission of the application, staff shall have five (5) additional working days to determine whether the applicant's revisions are sufficient to complete the application. If they are not, staff will again inform the applicant of any remaining deficiencies in writing. This process shall continue until the applicant has submitted a complete application, or demands that the application be reviewed "as is."
- (d) *Building code requirements.* Structural and safety features and electrical systems shall be in accordance with the requirements of the Town's adopted building code. No sign shall be approved for use unless it has been inspected and found to be in compliance with all the requirements of this chapter and applicable Codes.
- (e) *Electrical permit requirements.* All signs that are electrically illuminated shall require a separate electrical permit and inspection.
- (f) *Local Business Tax Receipt requirements.* No Local Business Tax Receipt shall be issued for a new business until all signs associated with the former business have been removed.
- (g) *Permit review.* All signs, unless otherwise exempt, shall be subject to review by the design review board. In evaluating an application for a sign permit the board shall consider the following:
- (1) Whether or not the sign complies with the requirements of the code.
  - (2) The quality of materials used and their relationship to the architecture of the structure and streetscape.
  - (3) The overall concept associated with the proposed sign.
  - (4) The detail of the design including text and graphics proposed.
  - (5) The illumination, surface colors, finish, width, depth, and dimensions of the proposed sign.
  - (6) The appropriateness of the sign to the spirit and intent of the Code.
- (h) *Failure to commence.* Every sign permit issued by the Town shall become null and void if installation is not commenced within two (2) years from the issue date of such permit. If

work authorized by such permit is suspended or abandoned for one-hundred and eighty (180) calendar days any time after the work is commenced, a new permit must be obtained and approved by the design review board. The fee will be the full amount required for a new permit for such work.

- (i) *Revocation.* The Town may suspend or revoke, in writing, a permit issued under provisions of this code, whenever the permit is issued on the basis of a misstatement of fact or fraud. The written revocation shall describe the appeal process. The Town shall send the revocation by certified mail, return receipt requested, to the sign owner. Any person having an interest in the sign or property may appeal the revocation, by filing a written notice of appeal with the Town commission within fifteen (15) calendar days after receipt of the written notice of revocation. The Town commission shall hear the appeal within thirty (30) calendar days after the date of receiving the written notice of appeal.

**Sec. 90-71. Sign design and appearance.**

- (a) Signs shall be professional in appearance.
- (b) Signs shall not be the dominant feature of a location and shall be scaled in accordance with the size of conforming signs on adjacent and nearby properties.
- (c) Signs shall be well designed, unique, and integrated into the building façade so as not to detract from the architectural character of the building or the context of the surrounding streetscape.
- (d) Sign colors shall be complementary to or enhance the main color of the building façade. The use of established business colors or company logos or trademarks shall not be prohibited by this requirement.
- (e) Signs shall have a proportional and dimensional relationship between the building, text, graphics, and spacing.
- (f) Sign copy shall be simple and concise without excessive description of goods, services, products. Unless otherwise provided in this Code commercial copy shall be limited to the trade name or franchise name of the business or the primary product or service.
- (g) Signs shall be weather resistant and professionally constructed of high-quality, durable material in accordance with the Florida Building Code unless otherwise exempt.
- (h) All exterior electrical outlets for signs shall terminate in a galvanized or plastic box with a blank cover, which shall be flush with and not protrude beyond the finished surface of the exterior wall. Transformer boxes and other accessory equipment for any sign shall be placed so as not to be visible from the street level.
- (i) Signs shall be properly maintained and kept in proper working order. Any damaged or defective conforming signs shall be removed and repaired within ninety (90) calendar days. Damaged or defective non-conforming signs shall be replaced with a conforming sign that meets the requirements of this Code.

**Sec. 90-72. Sign removal.**

- (a) *Permanent signs.* Upon the vacation of a premise, any sign associated with the previous owner or lessee including letters, numbers, logos, or any other visual communication associated with the vacated premise, shall be removed by the current owner or lessee within thirty (30) days of the transfer of ownership or cessation of the previous business activity. Any visible holes shall be painted and filled. Sign structure may remain in place provided no identifying features of the previous business activity are visible and the sign structure is conforming per the requirements of the code.
- (b) *Temporary signs.* Notwithstanding the time limitations set forth in Section 90-74, all outdoor temporary signs shall be removed immediately upon the issuance of a hurricane warning by a recognized government agency.

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

- (a) *SD-B40 Zoning District.*

(1)*Content.* Commercial signs may only include the trade name, logo of the establishment, the nature of business or services rendered, or products sold on the premises. Signs may not include phone numbers or any reference to price.

(2)*Signage for upper floor tenants.* One permanent sign shall be permitted for every 12 linear feet of second floor façade. The total square footage of all second floor signage shall not exceed eighty percent (80%) of the allowable signage square footage for the first floor signage, provided such sign meets all of the requirements of this subsection. In addition, each upper floor tenant shall be entitled to erect a single sign, not over one-hundred and eight (108) square inches in size, at the entrance or lobby of the building which provides egress to the upper floor.

(3) *Permitted signs.*

- a. *Projecting sign.* Projecting signs on either the ground level or upper floors shall not be permitted for upper floor tenants. The maximum sign area for projecting signs shall be eight (8) square feet. The maximum lettering height shall be six (6) inches unless otherwise integrated into a creative graphic design as approved by the design review board. Signs shall not project more than five feet from any main building wall nor shall they be mounted above ground level tenant space. Encroachment into the right-of-way including sidewalks shall only be permitted where it can be demonstrated that there is a minimum vertical clearance of eight (8) feet. Decorative bracket treatments are encouraged. Projecting signs shall not have electric lights, attached electric fixtures, or any manner of illumination.
- b. *Individually-mounted letter sign.* The total area of all individually-mounted letter signs shall be one (1) square foot for each lineal foot of frontage of the lot or portion of the lot upon which the operating enterprise is located. For frontages less than twenty-five (25) feet, a total sign area up to twenty-five (25) square feet maximum shall be permitted. In no case shall the total sign area on any single operating enterprise exceed one-hundred and fifty (150) square feet and no single sign shall exceed forty-five (45) square feet.

1. *Types.* The following types of individually-mounted letter signs shall be permitted. No open face channel letters shall be permitted.
    - i. Reverse channel letter
    - ii. Push-through letter
    - iii. Pan channel letter
    - iv. Raceway mounted letter. All exposed raceways must be painted to match finish of wall face of the building.
  2. *Offset.* Signs shall be off-set from the wall a minimum of one quarter inch to a maximum of two inches to permit rain water to flow down the wall face. This is not applicable to push-through or raceway mounted lettering.
- c. Illumination.* All signage, lettering, logos or trademarks shall be required to be lit with white illumination from dusk to dawn. The illumination may be either internal illumination or external illumination. If external illumination is selected, the wall below the sign shall be illuminated with warm white wall wash LED lighting. It shall be located and directed solely at the sign. The light source shall not be visible from or cast into the right-of-way, or cause glare hazards to pedestrians, motorists, or adjacent properties. Lighting shall meet all applicable electrical codes. Intensities of illumination shall be approved by the Building Official of the Town before issuance of a sign permit.
- d. A Permanent window sign.* One (1) primary sign may be applied to the inside or outside surface of any one glass window or door or displayed within twelve (12) inches of a glass window or door. Such signs shall only be permitted on primary and side street level frontages. Sign area inclusive of logos or trademarks shall not exceed twenty (20%) percent of the area of the glass window or door in which the sign is displayed. Lettering shall not exceed eight (8) inches in height. Acceptable materials include painted gold leaf or silver leaf, silk-screened, cut or polished metal, cut or frosted vinyl, and etched glass.
- e. Television screen or similar.* Television screens or similar electronic features may be located inside the storefront and project out to the sidewalk. These features shall be oriented towards the pedestrian and angled to be parallel to the sidewalk. Television screens or similar electronic features shall not exceed twenty (20%) percent of the area of the glass window if the feature is within thirty-six (36) inches of the window. Television screens or similar electronic features located greater than thirty-six (36) inches away from a window shall be permitted to exceed twenty (20%) percent of the area of the glass window. A maximum of two foot candles of illumination shall be permitted from any television screens or similar electronic features to be measured at the centerline of the adjacent sidewalk.
- f. Emergency address sign.* Commercial buildings in Blocks number 3, 4, 5, and 6 of Altos Del Mar Subdivision Number 6 shall be required to provide an emergency

address sign on the alley side of the building clearly identifying the address of the establishment. Signage may be wall mounted or posted on a rear door. Sign material shall consist of weatherproof reflective 3-inch or 4-inch address panels.

(b) *H30C, H40, MU and H120 Zoning Districts.*

(1) Signage on the outside of a hotel, multifamily building, or other similar structure which identifies a secondary business within the same structure is prohibited. Supplemental signs as permitted in this subsection shall be exempt from this requirement.

(2) *Content.* Commercial signs may only include the trade name, logo of the establishment, the nature of business or services rendered, or the products sold on the premises, except as otherwise provided in this Code. Signs may not include any reference to rates.

(3) *Permitted signs.*

a. *Individually-mounted letter sign.* Permitted as under the requirements of Section 90.73 (a)(3)(b.), except total sign area for multi-family dwellings within the H30C and H40 districts shall not exceed seventy-five (75) square feet.

b. *Monument Sign.* One monument sign shall be permitted per street frontage. The maximum sign area shall not exceed twenty-five (25) square feet. The maximum height shall not exceed five (5) feet from the ground. Signs shall maintain a five (5) feet setback from all property lines and no portion shall be permitted to project within this five (5) feet setback area. Signs are required to be landscaped at the base. Signs may be internally or externally illuminated.

c. *Supplemental sign.* A sign for any establishment reading "Office," "Vacancy," "Private Beach," "Swimming Pool," "Cabanas," "Coffee Shop," "Restaurant," or other such wording shall be considered a supplemental sign. Such signs shall be limited to three (3) square feet in size; except in the H120 district, a hotel with a restaurant may display an individual sign not to exceed five (5) square feet in size containing the name of the restaurant. The total combined square footage of individual supplemental signs shall not exceed eight (8) square feet per main building. Such signs shall not be included in calculating the total maximum sign area for the lot. Signs shall be dignified in character and shall be restricted to the wording described above.

d. *Parking sign.* Parking signs not over four (4) square feet in size may be erected at each exit or entrance of parking lots serving buildings in these zoning districts. Such signs may be illuminated by indirect lighting only. Lettering on these signs shall be limited to the name and address of the primary business, multifamily building or hotel, and the words "Entrance" or "Entrance Only," "Exit" or "Exit Only," "Parking," "Resident Parking," "Guest Parking," "Visitor Parking," "Private Parking," "Valet Parking," or "Customer Parking."

e. *Emergency address sign.* Buildings on the east side of Collins Avenue abutting the beach walking path shall be required to provide an emergency address sign

identifying the name and address of the building. Sign shall be mounted on a free-standing post not to exceed eighteen (18) inches in height and twenty-four (24) inches in width. Address letters and numbers shall not exceed two (2) inches in height and name shall not exceed one (1) inch in height. Sign material shall be weatherproof and reflective so as to be clearly visible at night.

(c) *H30A and H30B Zoning Districts.*

- (1) *Wall sign.* Sign shall be attached to the main façade of the building and shall not exceed four (4) square feet. Sign shall be installed and secured tightly to the building. No loose, non-secure attachments shall be allowed. Sign shall be rigid and weatherproof. Sign shall not be illuminated in any manner.

**Sec. 90-74. Temporary signs.**

(a) *Real estate sign.*

- (1) *SD-B40 District.* One (1) professionally lettered real estate sign shall be permitted per building frontage. The maximum sign area shall be three (3) square feet. The sign shall be mounted flat against the building wall or a minimum of twelve (12) inches from a window, and shall not project above the eave line of the building.
- (2) *All Other Zoning Districts.* One (1) professionally lettered real estate sign shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign panel area shall be eighteen (18) inches by twenty-four (24) inches. Up to two (2) riders shall be permitted above and/or below the main sign panel not to exceed six (6) inches by twenty-four (24) inches per rider for in-ground signs. The maximum sign height for in-ground signs including support frame shall not exceed forty-two (42) inches from the ground to the top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.
- (3) All real estate signs shall be black and white and may include a trademarked logo or symbol.
- (4) Sign shall be constructed of rigid, weather proof materials.
- (5) Sign shall not be lighted or illuminated in any manner.
- (6) Sign shall be removed within seven (7) days of a lot, building, residence or tenant space being leased, rented or sold.

(b) *Political sign.*

- (1) *SD-B40 District.* One (1) professionally lettered political sign shall be permitted per building frontage. The maximum sign area shall be three (3) square feet. The sign shall

be mounted flat against the building wall or a minimum of twelve (12) inches from a window, and shall not project above the eave line of the building.

- (2) *All Other Zoning Districts.* One (1) professionally lettered political sign shall be permitted per street frontage. The sign shall be wall mounted flat against the building wall or securely fastened to a wood or metal freestanding stake or post of sufficient strength. The maximum sign area shall be three (3) square feet. Sign face shall be constructed of metal, plastic, wood, pressed wood or cardboard. The maximum sign height for in-ground signs including support frame shall not exceed forty-two (42) inches from the ground to the top of the sign. Such sign shall be located outside of any sight visibility triangle. No portion of the sign shall extend across the property line.
  - (3) Signs shall be not be erected more than 90 days prior to the subject election date or ballot vote and shall be removed no later than seven (7) days after the subject election date or ballot vote.
  - (4) Sign shall not be lighted or illuminated in any manner.
  - (5) It shall be unlawful for any person to paste, glue, print, paint, affix, or attach by any means whatsoever to the surface of any public street, right-of-way, easement, sidewalk, curb, or to any property of any governmental body or public utility, any political sign, poster, placard, or sticker designed or intended to advocate or oppose any ballot issue or the nomination or election of any candidate.
- (c) *Construction sign.*
- (1) One (1) professionally lettered construction sign shall be permitted per site or development subject to the issuance of a building permit for the project. Such sign shall be removed immediately if the building permit for the project expires and construction has not commenced, and/or the permit is not renewed.
  - (2) Sign content is limited to the following:
    - a. Project name
    - b. Parties involved in construction and financing
    - c. Contact information such as phone number, email address or website
    - d. Unit prices not to exceed ten (10%) percent of the total sign area. Numbers shall not exceed six (6) inches in height.
  - (3) Maximum sign area is sixteen (15) square feet.
  - (4) Sign may be freestanding affixed to posts, a flat wall sign, or mounted to a construction fence. Freestanding signs shall be a minimum of ten (10) feet from the property line and shall be a maximum of five (5) feet in height from the ground to the top of the sign. Wall signs shall not extend above the floor of the second story, parapet wall, or eave line of the building.
  - (5) Rigid weatherproof board is required.
  - (6) Such sign must be removed within seventy-two (72) hours of the issuance of a certificate of occupancy.

(d) *Temporary window sign.*

- (1) Temporary window signs of any nature may be attached to glass window or doors, or mounted within 12 inches of a glass window or door.
- (2) One (1) professionally lettered temporary sign shall be permitted per window.
- (3) Sign may not be displayed more than sixty (60) calendar days unless otherwise provided in this subsection.
- (4) The total area for temporary signs shall not exceed twenty (20%) percent of the glass window they are facing unless otherwise provided in this subsection.
- (5) Temporary signs pertaining to a going-out-of-business sale or everything-must-go clearance event shall be permitted to be displayed within a window for a period not to exceed ninety (90) calendar days.
- (6) A temporary sign not exceeding one (1) square foot may be affixed to any window or glass door stating special hours or closing days due to holidays, or bona fide business or personal emergencies. There shall not be more than one (1) such sign per window or door. Sign shall not be maintained for more than fourteen (14) calendar days.
- (7) Signs not in excess of six (6) square inches, listing merchandise price, may be attached to items displayed in display windows.
- (8) Temporary signs which are removed and redisplayed within thirty (30) calendar days of removal shall be deemed in violation of this subsection. Display merchandise signs listing price not exceeding six (6) square inches shall be exempt from this requirement.

(e) *Special event banner sign.*

- (1) One (1) professionally lettered temporary banner advertising a grand opening associated with a commercial building or business enterprise is permitted.
- (2) Permitted content shall be limited to "Grand Opening" "Coming Soon" "Now Open" or "Under New Management" and the date and time of the event where applicable.
- (3) No banner shall exceed thirty-two (32) square feet or five (5%) percent of the building façade that faces a public street, whichever is less.
- (4) Banners may only be displayed within sixty (60) calendar days from the date an occupational license is issued.
- (5) No banner shall be displayed for more than thirty (30) consecutive calendar days.
- (6) Banner shall not include changeable copy.
- (7) Banner shall be made of durable materials such as canvas or vinyl. Non-durable material such as butcher-type paper is not permitted.
- (8) Banner shall be securely attached to a supporting structure such as a street frontage wall and capable of withstanding continuous wind without deflections or rotations that would cause deformation or damage.
- (9) No banner shall be attached to a roof structure or above the eave line of the building.

**Sec. 90-75. Prohibited signs.**

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 erected, constructed, or affixed in the Town except as otherwise permitted by Code:

- (a) Awning signs or any sign printed on or attached to an awning or canopy.
- (b) Balloon signs or other inflatable signs. Balloons may be permitted for a period not to exceed 24-hours for a temporary, non-commercial event such as a special occasion at a residence.
- (c) Banner signs except as otherwise permitted by code.
- (d) Billboards.
- (e) Cabinet signs.
- (f) Changeable copy signs or marquees.
- (g) Home business signs.
- (h) Flags except as otherwise permitted by code.
- (i) Lighted signs including strings of lights or lights framing a window
- (j) Mirror devices used as part of a sign.
- (k) Off-premise signs including persons wearing costumes and/or holding temporary signs with commercial copy.
- (l) Pole-mounted signs.
- (m) Portable signs including A-frame, sandwich board, and moveable make-shift signs such as signs attached to a mannequin or mounted on a table or chair, or any other similar type of portable sign or moveable object primarily designed for display purposes or to attract the attention of sidewalk traffic.
- (n) Roof signs.
- (o) Signs whose face is designed or constructed to be placed or transported on wheels
- (p) Snipe or bandit signs except political signs and real estate signs.
- (q) Temporary signs including posters and handbills except as otherwise permitted by code.
- (r) Umbrella signs.
- (s) Signs containing wording which constitutes fraudulent or misleading advertising.
- (t) Signs containing obscene matter or wording which violates any federal, state or county statute, ordinance or rule.
- (u) Signs which have spinning devices, or strings of spinning devices, streamers, fluttering or other similar advertising devices.
- (v) Signs which emit smoke, visible vapors, particles, sound, or odors.

- (w) Signs not erected by a public authority which simulate, copy, or imply any official traffic sign, signal or police caution device.
- (x) Signs that display lights which are intermittent, blinking, moving, revolving, flashing or similar, except decorative or flashing illumination may be used between December 10 and January 5.

**Sec. 90-76 Prohibited sign locations.**

Except as otherwise permitted by Code no temporary, permanent, or exempt sign shall be permissible in the following locations:

- (a) Signs which prevent free ingress or egress from any door, window, or fire escape shall be prohibited.
- (b) Signs shall not be placed in any location which obstructs a motorist's vision of an intersection, traffic control signal, other vehicular traffic, or view of pedestrian or bicycle traffic.
- (c) Signs shall not be placed on or near the rear of a lot or building so as to face a designated zoning district other than the one in which the sign is located except as otherwise permitted by Code. Provided however, that signs may be installed on the rear walls of commercial buildings in Blocks number 3, 4, 5, and 6 of Altos Del Mar Subdivision Number 6, in accordance with Section 90-73(a) and Section 90-74. Such signs shall be limited to a maximum area of twenty-five 25 square feet. These signs shall not be included in computing total sign area for a given operating enterprise.
- (d) No sign of any type shall be suspended across any vacant lot, unoccupied building or temporary structure nor shall any sign of any description be stenciled, written, painted, posted, printed, nailed or otherwise affixed to any vacant lot, unoccupied building or to any temporary structure within the Town except as otherwise permitted by Code.
- (e) Except as otherwise authorized by the Town Manager or designee, no sign of any type shall be suspended across any public street, right-of-way, sidewalk, easement, alley or waterway; nor shall any sign of any description be stenciled, written, painted, posted, printed, nailed or otherwise affixed to any curb, sidewalk, tree, light standard, utility pole, hydrant, traffic signal device, street sign and its pole, bridge, wall, or any other structure, which is within the property lines of any street, right-of-way, easement, alley, waterway or other public property within the Town.
- (f) Signs placed without the express permission of the property owner or agent.

**Sec. 90-77. Non-conforming signs.**

- (a) *Sign amortization.* All legally permitted signs which become non-conforming by the provisions of this Code shall be replaced with a conforming sign within three years of the effective date of this ordinance.

- (b) Non-conforming signs shall be immediately replaced if any of the following conditions exist during the amortization period.
  - (1) There is additional development of a site
  - (2) There is a change in use, occupancy, or tenant
  - (3) There is a change in sign copy (with the exception of window signs)
  - (4) There is a structural sign alteration or repair
  - (5) There is sign damage by any cause which exceeds 50% of the sign as determined by the Building Official
  - (6) There is removal of a sign
  
- (c) *Sign relocation.* Non-conforming signs shall not be permitted to be relocated.

**Sec. 90-78. Non-complying signs.**

Signs not in compliance with the code or those installed without a permit shall be considered non-complying. Such signs shall be removed or replaced immediately or shall otherwise be subject to code enforcement action, forfeiture to the public, confiscation or removal by the Town at the cost of the owner.

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

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

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

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

**PASSED and ADOPTED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

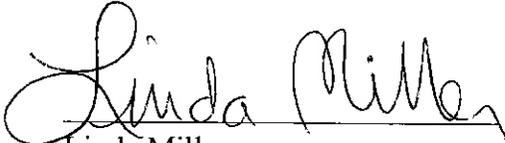
**PASSED and ADOPTED** on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

**ATTEST:**

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

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

  
Linda Miller  
Town Attorney

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

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

**VOTE ON ADOPTION:**

Commissioner Barry R. Cohen	yes _____	no _____
Commissioner Michael Karukin	yes _____	no _____
Commissioner Marta Olchyk	yes _____	no _____
Vice Mayor Eli Tourgeman	yes _____	no _____
Mayor Daniel Dietch	yes _____	no _____



## Town of Surfside Planning and Zoning Communication

**Agenda Date:** July 31, 2014  
**Subject:** Parking Trust Fund  
**From:** Sarah Sinatra Gould, AICP, Town Planner

**Background:** The Planning and Zoning Board and the Town Commission have expressed concern over the Parking Trust Fund and the lack of requirements, such as a cap on the number an applicant may pay into the fund and the payment spread out over 30 years without interest.

### **Analysis:**

Staff reviewed other local municipalities and found that Coral Gables has a very specific parking trust fund ordinance which is a good base for Surfside's revised ordinance. The proposed ordinance provides for a cap of 10 spaces plus no more than 10% of the overall required off-street parking spaces, over and above the 10 spaces. The intent of allowing a business to pay for the first 10 spaces is to provide more options for small businesses looking to expand.

For instance, if 100 spaces were needed for a new project, under this scenario they would only be able to pay for 20 spaces into the fund and the rest would need to be constructed. In another example, if a building needed 25 spaces, they would only be able to pay for 12 spaces into the fund.

Staff has included a one-time payment prior to building permit rather than options for annual payment, which is consistent with Coral Gables.

Lastly, the Town Commission would have discretion whether an applicant could use the parking trust fund as an option to satisfy their parking requirements. The Town Commission would evaluate the use of the fund on the availability of parking, current parking occupancies and planned parking expansions.

**Staff Recommendation:** The Town Commission approved this ordinance on first reading. Staff recommends that the Planning and Zoning Board recommend approval to the Town Commission for second reading.

**Budget Impact:** Could impact potential payment into the parking trust fund.

**Growth Impact:** Properties will need to provide more onsite parking or reduce their overall development program to meet their parking needs.

**Staff Impact:** N/A



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Sarah Sinatra Gould, AICP, Town Planner



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Michael Crotty, Town Manager

**ORDINANCE NO. 14-\_\_\_\_**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING," ARTICLE VII "OFF-STREET PARKING AND LOADING," DIVISION 1 "OFF-STREET PARKING," SECTION 90-77 "OFF-STREET PARKING REQUIREMENTS" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REGARDING PARKING TRUST FEES PAID IN LIEU OF OFF-STREET PARKING; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission of the Town of Surfside, Florida ("Town Commission") has provided in Section 90-77 of the Town of Surfside Code of Ordinances for the payment of parking fees as an option to satisfy off-street parking requirements of the Zoning Code as a means of fostering a pedestrian-friendly mixed-use downtown environment within the Town of Surfside ("Town"); and

**WHEREAS**, the Town's Future Land Use Element of the Town of Surfside Comprehensive Plan supports the use of a Parking Trust Fund as a method for funding the construction of public parking garages and other facilities and programs to provide needed parking within the Town; and

**WHEREAS**, the Town Commission finds that the Parking Fees and Parking Trust Fund provisions of Section 90-77 should be amended to better effectuate the purposes of the Town; and

**WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held its hearing on the proposed amendments to the district regulations on July 31, 2014 with due public notice and input and made its recommendation to the Town Commission regarding consistency with the Comprehensive Plan; and

**WHEREAS**, the Town Commission having conducted duly noticed public hearings on these regulations as required by law, having considered the input of the public, the Planning and Zoning Board and town staff; and

**WHEREAS**, the Town Commission finds that this Ordinance is consistent with the Town's Comprehensive Plan and furthers the public health, safety and welfare.

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

(a) Except as otherwise provided herein, when any building or structure is hereafter constructed; or structurally altered so as to increase the number of dwelling units or hotel rooms to increase its total commercial floor area, including provision of outdoor seating; or when any building or structure is hereafter converted to any of the uses listed in subsection 90-77(c), off-street parking spaces shall be provided in accordance with the requirements of subsection 90-77(c), or as required in subsequent sections of this article. The requirement for an increase in the number of required parking spaces shall be provided on the basis of the enlargement or change of use.

(b) Parking compliance for properties and uses located in SD-B40 zoning district and for religious places of public assembly in other areas of the town.

(1) *Off-street parking applicability.* This section applies to:

- a. Uses within the SD-B40 zoning district where changes of use from service businesses to restaurant or retail occur; and
- b. Religious places of public assembly located within the area depicted on the Public Assembly Places as set forth in subsection 90-41(d)(23) hereinabove.

(2) *Options to satisfy parking requirements for uses specified in (1) above.* Satisfaction of the off-street parking requirements of this subsection (b) may be achieved with the permission of the town commission through compliance with any combination of the following options:

- a. On site provision of required parking spaces as more specifically set forth in subsection 90-77(c);
- b. Tandem parking as more specifically set forth in subsection 90-77(d);
- c. Joint use and off-site facilities as more specifically described in section 90-80. If parking is satisfied by agreement with a private third party, the town shall require an agreement in writing for an effective period of no less than five years. No less than 60 days prior to the expiration of such agreement, either a new agreement shall be in place or the owner of the property for which the parking is being provided shall receive the town's approval of the employment of one of the other prescribed options contained in this subsection. Failure to secure the town's approval of one or a combination of the prescribed options shall result in revocation of the owner's certificate of occupancy and certificate of use;
- d. Shared parking; or
- e. Payment of parking trust fee that can be used to finance the provision of parking whether through the purchase, construction or modification of parking facilities or to otherwise provide for additional parking as more specifically set forth in subsection 90-77(b)(4).

\* \* \*

(4) *Parking trust fee.* The off-street parking requirements may be complied with by paying into the downtown parking trust fund the sum of money that is the product of the number of parking spaces required but not provided, multiplied times the amount of the established fee per parking space. The parking fee amount shall be calculated on a "per parking space" standard, based upon a portion of the cost of the land, combined with the cost of design and construction, for a single structured off-street parking space. The established fee per parking space shall be determined by the town manager and approved by resolution of the town commission, as may be amended from time to time. All required parking fees shall be paid by a one-time payment prior to the issuance of a building permit.

Parking fees collected pursuant to this subsection shall be deposited into the parking trust fund established in subsection 90-77(b)(5). The fund shall be used to facilitate the provision of public off-street parking and infrastructure improvements related to parking including, but not limited to, the following activities:

- a. Acquire fee simple or other interests in land, and other real property for parking purposes;
- b. Construct, maintain, operate, lease, manage, purchase, or otherwise provide off-street parking facilities for public use including all labor and materials, cost of interest and financing, and all other such reasonable costs;
- c. Provide public information to enhance parking utilization including publicity campaigns, graphics and signage, and other informational devices;
- d. Coordinate plans for parking facility improvements and expansion with public transportation plans and operations in the vicinity;
- e. Provide accessibility to off-street parking facilities by suitable means such as public shuttle, tram or trolley service and related physical improvements such as bus shelters and right-of-way modifications; and
- f. Perform such other related activities as may be necessary to carry out the intent of this subsection.

The success and financial feasibility of providing any such shuttle, tram, bus, or trolley service, as provided herein, shall be subject to annual evaluation by the town commission. Funds deposited in the Parking Trust Fund shall be made available to the town commission for the purposes set forth in this subsection, after review and recommendation by the town manager to the town commission and approval by the town commission.

(5) *Parking trust fund.* There is hereby established a trust fund to be entitled the "Town of Surfside Parking Trust Fund," to be maintained and administered by the Town Manager. Any new construction, addition, alteration or rehabilitation on property within the SD-B40 district or religious place of public assembly or any that creates an increase in off-street parking requirements under Section 90-77 (c) may propose satisfying those requirements for off-street parking by providing a payment-in-lieu as established in the most current fee resolution approved by the Town Commission as follows:

- a. Where the new construction, addition, alteration or rehabilitation creates a demand for off-street parking of 10 or fewer parking spaces;
- b. For new construction, additions, alterations or rehabilitations that create an off-street parking demand greater than 10 spaces, a developer may propose a payment-in-lieu to satisfy the requirement for 10 percent of the overall required off-street parking spaces, over and above the 10 spaces permitted in subsection (a). Acceptance of the payment-in-lieu to satisfy the parking requirement is at the discretion of the Town Commission. When reviewing development plans that propose a payment-in-lieu, the Town Commission will consider any relevant information including, the existing supply of public parking spaces supporting the use, current parking occupancies and plans for construction or expansion of public parking facilities.

~~Parking fees collected pursuant to subsection 90-77(b)(4) shall and any other monies may be deposited into this fund. The fund shall be used to facilitate the provision of public off-street parking and infrastructure improvements related to parking including, but not limited to, the following activities:~~

- ~~a. Acquire fee simple or other interests in land, and other real property for parking purposes;~~
- ~~b. Construct, maintain, operate, lease, manage, purchase, or otherwise provide off-street parking facilities for public use including all labor and materials, cost of interest and financing etc;~~
- ~~c. Provide public information to enhance parking utilization including publicity campaigns, graphics and signage, and other informational devices;~~
- ~~d. Coordinate plans for parking facility improvements and expansion with public transportation plans and operations in the vicinity;~~
- ~~e. Provide accessibility to off-street parking facilities by suitable means such as public shuttle, tram or trolley service and related physical improvements such as bus shelters and right-of-way modifications; and~~
- ~~f. Perform such other related activities as may be necessary to carry out the intent of this subsection.~~

~~The success and financial feasibility of providing any such shuttle, tram, bus, or trolley service, as provided in subsection (b)(5)c., shall be subject to annual evaluation by the town commission. Funds deposited in the downtown parking trust fund shall be made available to the town commission for the purposes set forth in this subsection, after review and recommendation by the town manager to the town commission and approval by the town commission.~~

\* \* \*

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

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

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

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

**PASSED** and **ADOPTED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2014.

**PASSED** and **ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

**ATTEST:**

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

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

*Linda Miller*

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

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

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

**VOTE ON ADOPTION:**

<b>Commissioner Barry R. Cohen</b>	yes _____	no _____
<b>Commissioner Michael Karukin</b>	yes _____	no _____
<b>Commissioner Marta Olchyk</b>	yes _____	no _____
<b>Vice Mayor Eli Tourgeman</b>	yes _____	no _____
<b>Mayor Daniel Dietch</b>	yes _____	no _____



## Town of Surfside Planning and Zoning Communication

**Agenda Date:** July 31, 2014

**Subject:** Massing

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

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

Staff was requested to develop options that will reduce the maximum building frontage within the H120 district. This topic was vetted at approximately eight additional Planning and Zoning Board meetings, with detailed graphics provided to the board to assist in the development of the proposed text.

**Analysis:** Below is the proposed code change:

Sec. 90-51. Maximum frontage of buildings.

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

- (1) *H30C:* For every 50 feet, a minimum three-foot change in wall plane.
- (2) *H40:* For every seventy-five (75) feet, a minimum six-foot change in wall plane.
- (3) *H120:* For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal. The maximum 270 foot continuous wall frontage is limited to a building platform no greater than 30 feet in height. This platform may contain habitable and non-habitable spaces. Buildings are permitted above the 30 foot high platform subject to the following:

a) A tower above the platform shall provide a continuous wall plane no greater than 150 feet in length with a minimum six-foot vertical or horizontal change in wall plane.

b) The distance between more than one tower located on a platform shall be a minimum of 40 feet.

c) If a platform is provided, the side setbacks of any tower shall be a minimum of 20 feet from the setback of the platform.

(4) Structured parking garages: see section 90-49.4

**Staff Recommendation:** Staff recommends the Planning and Zoning Board direct staff to prepare an ordinance for first reading.



\_\_\_\_\_  
Sarah Sinatra Gould, AICP, Town Planner



\_\_\_\_\_  
Michael Crotty, Town Manager