



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD
AGENDA
JULY 25, 2013
7:00 PM**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: JANUARY 31, 2013 (ATTACHED)
 JUNE 27, 2013 (ATTACHED)
4. ZONING HEARINGS ARE QUASI-JUDICIAL PUBLIC HEARINGS.

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

- A. Request of Owner of Property located at 8859 Carlyle Avenue
 The applicant at 8859 Carlyle Avenue is requesting a side setback variance.

A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA
PLANNING & ZONING BOARD CONSIDERING THE
APPLICATION OF 8859 CARLYLE AVENUE TO PERMIT A
SIDE SET BACK VARIANCE FROM THE REQUIREMENTS OF
SECTION 90-45 OF THE TOWN OF SURFSIDE CODE OF
ORDINANCES TO ALLOW THE EXISTING SINGLE FAMILY
HOME TO ADD A SECOND STORY; PROVIDING FOR
RECOMMENDATION OF APPROVAL; PROVIDING FOR AN
EFFECTIVE DATE.

5. PLANNING AND ZONING APPLICATIONS:

- A. Request of the Owner of Property located at 8810 Garland Avenue
The applicant is requesting to build a screen porch.

**B. Request of the Owner of Property located at 500 94 Street
The applicant is requesting to build a masonry wall.**

**C. Request of the Owner of Property located at 8939 Abbott Avenue
The applicant is requesting to install a shed in their back yard**

**D. Request of the Owner of Property located at 1356 Biscaya Drive
The applicant is requesting to renovate an existing garage.**

**E. Request of the Owner of Property located 8859 Carlyle Avenue.
The applicant is requesting to build a second story addition.**

6. ORDINANCES:

A. Trellises

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" SPECIFICALLY SECTION 90-19 "SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT PROCESS" TO ADD "TRELLISES" LOCATED IN THE REAR OR INTERIOR SIDE YARD TO ITEMS NOT SUBJECT TO PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Metal Roofs

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" SPECIFICALLY SECTION 90-50 "ARCHITECTURE AND ROOF DECKS" TO EXCLUDE METAL ROOFS FROM PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

C. Carports

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-58 "CARPORT

CANOPIES” FOR CONSISTENCY WITH DRIVEWAY REGULATIONS AND CONSTRUCTION STANDARDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

D. Hardpack Easement

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 SECTION 90-60 “CONSTRUCTION ADJACENT TO BULKHEAD LINES” SUBSECTION 90-60.1 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REQUIRING NO PERMIT SHALL BE ISSUED FOR THE REPAIR, EXTENSION, ALTERATION OR REPLACEMENT OF ANY HABITABLE, FULLY-ENCLOSED STRUCTURE EAST OF THE OCEAN BULKHEAD LINE; NO PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF ANY HABITABLE, FULLY ENCLOSED STRUCTURE CLOSER THAN 20 FEET TO THE WEST OF THE OCEAN BULKHEAD LINE; ALL PROPERTIES EAST OF THE OCEAN BULKHEAD LINE WILL BE REQUIRED TO PROVIDE AN ACCESS EASEMENT TO THE TOWN GRANTING THE PERPETUAL USE OF THE HARDPACK TO THE PUBLIC; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

7. DISCUSSION ITEMS:

- A. Veterinary clinics**
- B. Schedule Continuous Wall Frontage workshop**

8. FUTURE AGENDA ITEMS:

- A. Capital Improvement Element update**
- B. Sign Code**
- C. Satellite Dishes**
- D. Solar Panels**
- D. Dimensions of parking spaces**
- E. Pyramiding effects of setbacks**

F. Side setbacks as a percentage of lot frontage

9. PERMITS ISSUED AND REVENUE REPORT FOR JUNE 2013.

10. ADJOURNMENT.

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936. 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 COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



TOWN OF SURFSIDE
PLANNING AND ZONING BOARD
MINUTES
JANUARY 31, 2013
7:00 P.M

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:00 P.M.

2. ROLL CALL

Recording Clerk Darlene Martinat called the roll with the following members present: Peter Glynn, Armando Castellanos, Lindsay Lecour, Jennifer Dray and Carli Koshal. Jorge Gutierrez was absent. Also present were Linda Miller, Interim Town Attorney, Sara Johnston, Interim Assistant Town Attorney, and Sara Sinatra, Town Planner.

Chair Lindsay Lecour recommended a motion to add an item to the agenda before Planning and Zoning applications. Vice-chair Peter Glynn made a motion to amend order of agenda. The motion received a second from Board Member Armando Castellanos. All voted in favor.

3. APPROVAL OF MINUTES: DECEMBER 4, 2012

Board Member Carli Koshal made a motion to approve Planning and Zoning Minutes of December 4, 2012. The motion received a second from Board Member Armando Castellanos. All voted in favor with no opposition

Recording Clerk Darlene Martinat read Title Ordinance in to the record.

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" BY DISSOLVING THE DESIGN REVIEW BOARD AND CONSOLIDATING THE DESIGN REVIEW FUNCTION INTO THE EXISTING FUNCTIONS OF THE PLANNING AND ZONING BOARD, CHANGING MEMBERSHIP REQUIREMENTS FOR PLANNING & ZONING BOARD; AND PROVIDING FOR FILLING OF VACANCIES; INCLUDING A TRANSITIONAL PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Sarah Johnston, Interim Assistant Town Attorney, spoke of amending the ordinance that would combine the Planning and Zoning Board with the Design Review Board. Ms. Johnston further added that both boards would be acting as an advisory board to the Town Commission on zoning matters and design review matters, and that more than one board member must be licensed and be a town resident.

Vice-Chair Peter Glynn made a motion to recommend amending the ordinance to the Town Commission. The motion received a second from Board Member Armando Castellanos. All voted in favor.

4. PLANNING AND ZONING APPLICATIONS

A. Request of the Tenant of Property located at 9560 Harding Avenue

The applicant is requesting to renovate the front and back of the store for a new Starbucks.

Sara Sinatra spoke of staff recommendations and approval of the application with the following conditions:

- 1) The correct scale shall be provided on the building permit plans.
- 2) The projection of canopies shall be provided on building permit plans.
- 3) In lieu of providing two (2) off-site parking spaces, the applicant shall be required to pay the Town of Surfside \$22,500 per space; a total of \$45,000 (hereinafter, the "Payment"). The Payment shall be annualized over a ten (10) year period with the payment of \$4,500 (hereinafter, the "Initial Payment") due thirty (30) calendar days after the issuance of a Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (CO), whichever comes first. All subsequent annual payments shall be due one (1) year from the date of the Initial Payment. In the event the applicant terminates the lease, subleases the property or if the lease is terminated by the landlord for any reason prior to making the last annual payment, the total remaining Payment shall be due to the Town of Surfside within thirty (30) days of notice of termination or sublet.
- 4) The tables and chairs located in the public right of way shall be reviewed through the outdoor café procedures.

Brian Plewenski on behalf of applicants was present to respond to questions from the public and Board Members.

Board Member Jennifer Dray made a motion to approve request of the tenant of property located at 9560 Harding Avenue to renovate the front and back of the store for a new Starbucks. The motion received a second from Board Member Carli Koshal. All voted in favor.

B. Request of the Owner of Property located at 8951 Emerson Avenue

The applicant is requesting to enclose their porch at the rear of their single family home.

Sara Sinatra spoke of Zoning Code regulations to enclose porch at the rear of the single family home and recommends approval of the application.

Board Member Jennifer Dray made a motion to approve request of the tenant of property located at 8951 Emerson Avenue to enclose their porch at the rear of their single family home. The motion received a second from Board Member Armando Castellanos. All voted in favor.

Builder and contractor of property thanked Ms. Sinatra and board members for all of their efforts in reviewing application.

**C. Request of the Owner of Property located at 9217 Dickens Avenue
The applicant is requesting to re-roof their single family home with a metal roof.**

Sara Sinatra spoke of Zoning Code regulations to re-roof the single family home with a metal roof system. Ms. Sinatra further spoke of staff recommendation of application with the condition that applicant will add upgraded landscaping to the island between the driveway and provide a roof color that is compatible with the driveway.

Frank Istueta of Istueta Roofing, contractor for the property, was present to respond to questions from the public and board members.

Board Member Armando Castellanos made a motion to approve request of the tenant of property located at 9217 Dickens Avenue to re-roof the single family home with a metal roof system and with the condition that applicant will add upgraded landscaping to the island between the drive way and provide a roof color that is mutually accepted by property owner and Board. The motion received a second from Vice-Chair Peter Glynn. All voted in favor.

**D. Request of the Tenant to Property located at 9448 Harding Avenue
The applicant is requesting to install new illuminated channel lettering.**

Sara Sinatra spoke of Zoning Code regulations to install new illuminated channel lettering for a business. Ms. Sinatra further spoke of staff recommendations of application with the condition that applicant shall follow all permit procedures as outlined in the Florida Building Code Section 105.1 and if any and all violation of this procedure shall result in a stop work order with potential code violations.

Board Member Jennifer Dray made a motion to approve request to install new illuminated channel lettering for a business located at 9448 Harding Avenue with the condition that legal staff review legal name of business and grammatically correct spelling of nails. Applicant shall follow all permit procedures as outlined in the Florida Building Code Section 105.1 and that any and all violation of this procedure shall result in a stop work order with potential code violations. The motion received a second from member Armando Castellanos. All voted in favor.

5. PLANNING AND ZONING DISCUSSION ITEMS:

A. Solar Panels and Dish Antenna Guidelines [Proposed Report attached]

Sara Sinatra spoke of the regulations regarding Solar Panels and Dish Antenna Guidelines in neighboring cities.

The Planning and Zoning Board discussed and determined that solar panels and satellite dishes are a necessity in today's world and would like to research further and implement codes that would meet the requirements of the Town. Sara Sinatra, Town Planner, would review further.

Board also discussed the noise ordinance and noise meter issues.

Town Manager Roger Carlton spoke of the utility changes that will take place in Surfside.

6. REPORT OF PERMITS ISSUED FOR THE MONTH OF DECEMBER 2012

Town Manager Roger Carlton spoke of Paul Gioia's retirement from the Town and of the new incoming Town Building Official Edward Rojas.

Recording Clerk reported 72 permits issued for the month of December 2012.

7. ADJOURNMENT

Chair Lindsay Lecour recommended a motion to adjourn. Member Carli Koshal made a motion to adjourn. The motion received a second from Vice-Chair Peter Glynn. All voted in favor with no opposition.

Meeting adjourned at 7:51 pm.

Accepted this ____ day of _____, 2013

Lindsay Lecour, Chairperson

Attest:

Recording Clerk

Board Member Dray made a motion to approve. The motion received a second from Vice Chair Glynn and all voted in favor.

**C. Request of the Owner of Property located at 700 95 Street
The applicant is requesting to build a trellis in their backyard.**

Town Planner Sarah Sinatra presented the item. Board Member Lecour asked where the trellis was to be installed and the type of wood being used. Town Planner Sinatra indicated the trellis would be between the house and pool and the material for the trellis would be submitted when the building permit is pulled.

Vice Chair Peter Glynn made a motion to approve. The motion received a second from Board Member Koshal and all voted in favor.

**D. Request of the Owner of Property located at 9473 Bay Drive
The applicant is requesting to build a trellis in their backyard.**

Town Planner Sarah Sinatra presented the item.

Board Member Dray questioned why the photos submitted only showed the side of the house when the trellis is to be installed at the rear. Town Planner Sinatra indicated she would request more photos of the house if the Board needed them for review. No further review was necessary.

Board Member Koshal made a motion to approve. The motion received a second from Board Member Dray and all voted in favor.

**E. Request of the Owner of Property located at 1025 88 Street
The applicant is requesting to build a carport at their single family home.**

Town Planner Sarah Sinatra presented the item. As submitted the design does not meet the zoning code. Board Member Dray said it was a beautiful corner house with a beautiful driveway and these drives need the appropriate size awnings. The style and color of the awning was also discussed. Board Member Lecour in favor of double wide awning but suggested a darker color awning as white would draw too much attention to the canopy. Ted Lintle from Miami Awning presented details of the design and indicated the color white matched the house. Mr. Lintle said he would suggest color options with the owner, perhaps terracotta to match the roof.

Board member Koshal made a motion to approve contingent upon:

1. Town Commission approving a code modification to permit 20 foot carport canopies.
2. Town Commission does not approve the code modification to permit 20 foot wide carport canopies then a reduction in the width of the canopy to 10 feet per code section 90.58(1).

The motion received a second from Board Member Glynn and all voted in favor.

**F. Request of the Owner of Property located at 9300 Bay Drive
The applicant is requesting to remodel the façade of their single family home.**

Town Planner Sarah Sinatra presented the item. Mr. Kenneth E. Hubbs represented the applicant and presented some samples of the revised design. Board Member Dray was pleased with the revisions and reverse color made a difference. The landscaping should be part of the design especially removal of the dead bushes on side of the house. Board Member Lecour questioned the white banding around the house and suggested a darker color as white tends to dirty faster. The Board was happy that their suggestions were taken under consideration and with the revised design. Board Member Koshal said approval should be contingent upon detailed landscaping and details of materials for porch.

Board Member Castellanos made a motion to approve with recommendations:

1. Provide landscaping along south side of the home. Details should be provided on plans submitted for permitting.
2. The plans indicate stucco will be utilized for the porch to match the home. Provide greater detail on the building permit package of the proposed materials for the porch.

The motion received a second from Board Member Dray and all voted in favor.

**G. Request of the Owner of Property located at 9116 Byron Avenue
The applicant is requesting to install a sliding gate at the front entrance of their single family home.**

Town Planner Sarah Sinatra presented the item and recommended denial due to the possible obstruction of traffic flow on Byron Avenue when gate was to be opened and modification to the length of driveway would not be in compliance with zoning code which provides for a two off street parking space.

Applicant was represented by Edward Averbach who gave more details about the location and installation of the gate and indicated reason for the request was regarding safety for the children and not security. Board Member Dray indicated her concerns about a very lovely small house having two gates, possible obstruction of traffic flow on a busy street and setting a tone of a gated community. The Board suggested that the applicant look into alternative safety measures for the children such as play gates. Board Member Dray made a motion to deny. The motion received a second from Board Member Castellanos and all voted in favor of denial.

H. Request of the Owner of Property located at 9535, 9538 and 9540 Harding Avenue

The applicant is requesting to remodel the building façade.

Town Planner Sarah Sinatra presented the item and said the recommendations made by the Board at the May 30, 2013 meeting had been met with the exception of the underground utilities and color green facade. Applicant addressed the issue of the color green and said it would blend in with the green color of other retailers. Board Member Dray agreed and was not opposed to the color or design. Board Member Koshal suggested the green color issue be removed from part of the approval condition.

Commissioner Graubart spoke about the budget increase related to undergrounding utilities and stated that the Town will not be moving forward with this project at the moment.

Board Member Castellanos made a motion to approve with condition to

1. Underground the utilities in the alley.

The motion received a second from Board Member Dray and all voted in favor.

Commissioner Graubart expressed his concerns about the green alleys being given away and questioned who is responsible for the upkeep. This item will be brought up in the future.

5. DISCUSSION ITEMS:

A. SHEDS AND TRELLISES

Town Planner Sarah Sinatra indicated that each month there are several requests for trellises. If they meet code requirements and the trellis is in rear or side of property and not visible from street, can the item be exempt from planning and building code review. The Board was in favor of adding rear or side trellises to the list of exemptions. Town Planner Sarah Sinatra will work together with the Legal Department and item will be presented to the Town Commission as an ordinance.

Board Member Peter Glynn had reservations regarding the exemption of sheds as there are many different types and sizes which can be purchased and some may not be pleasing to a neighbors view. After some discussion Board Member Lecour agreed that this issue needed further review. Town Planner Sarah Sinatra will work with the Building Dept. and do some additional research on sheds.

B. CARPORTS

Town Planner Sarah Sinatra will come up with an Ordinance for carports which will be reviewed at the next meeting.

C. SIGNS

The Commission is not moving forward with sign modifications for downtown at this time. Vice Mayor Karukin stated that during the last Commission Meeting there was a debate as to whether doing this work fell under the CGA contract and not be an additional service. The CGA contract will be reviewed and reported back to planning and board commission.

Town Manager Michael P. Crotty indicated that staff have been trying to schedule a workshop on signs and awnings with the Planning and Zoning Board, but have not been able to come up with a date as of yet.

Commissioner Joe Graubart presented the sign codes of neighboring towns which include signs and awnings and distributed the materials as they may be helpful in the forthcoming workshop.

6. FUTURE AGENDA ITEMS:

A. Code change to require easement dedication for the hard pack

B. Capital Improvement Element update

C. Solar Panels

D. Dimensions of parking spaces

E. Veterinary Clinics

F. Satellite Dish

7. WORKSHOP ITEMS:

A. Signs/Awnings

B. Continuous wall frontage

C. Pyramiding effects of setbacks

D. Side setbacks as a percentage of lot frontage

8. REPORT OF PERMITS ISSUED/REVENUE REPORT FOR MAY 2013.

9. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:30 p.m.

Accepted this ____ day of _____, 2013

Attest:

Chair Lindsay Lecour

Sandra Novoa
Town Clerk



ATTACHMENT "A"

MEMORANDUM

To: Planning and Zoning Board
Thru: Michael Crotty, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Interim Town Attorney
Date: July 25, 2013
Re: Watson Variance
Project #: 08-1763.16

The applicant and property owner, James Watson, is requesting a side setback variance from the Town of Surfside Code for the property at 8859 Carlyle Avenue. The owner is proposing an addition to the first floor and adding a second story to his existing single family home. The property is located within the Residential Single Family H30B zoning district.

Request

Section 90-45 of the Town of Surfside Code requires the second story side setbacks to be a minimum of five feet, with an average setback of seven and a half feet. The proposed second story meets the side setback of five feet, but it does not provide an average setback of seven and a half feet.

The average setback means that on the second floor of the home, 50% of each side wall is required to have an additional five foot setback. This home is only 15 feet wide, due to the fact that the lot is only 25 feet wide. Requiring the average setback will result in portions of the second floor addition being five feet wide, which is unfeasible.

The lot was initially platted in 1925 and the existing home was constructed in 1936. Therefore, the lot was subdivided somewhere between 1925 and 1936. This lot is 25 feet in width and 2,812.50 square feet in area. The lot is considered non-conforming, however, since the lot is already developed, the addition of a second story will not increase the non-conformity and the only variance required for the addition is for the average side setback.

Existing Home



Location Map



Variance Criteria

(1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

This property was developed in 1936 and subdivided to a 25 foot lot between 1925 and 1936. There are no other 25 foot single family lots within the Town, which makes this lot unique.

(2) The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;

The existing single family home, built in 1936, meets the required five foot side setback. It was subdivided and is only a 25 foot lot, resulting in a home that is 15 feet in width. The subdivision of the lot provides a special condition to this property.

(3) Literal interpretation of the provisions of the Town Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Town Code and results in unnecessary and undue hardship on the applicant;

The side setback requirement creates an undue hardship on the property owner. The intention of this setback requirement is to prevent "McMansions" whereby the second floor provides the same square footage as the first floor. In this case, the homeowner is not proposing to develop the second floor over the same footprint as the first floor. The plans indicate that there will be approximately 21 linear feet, or 315 square feet, of the first story that will not be covered by the second story. If the literal interpretation of the code were to be followed, the home would need additional setbacks for a portion of the second floor, which would render the addition impractical.

(4) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the Town of Surfside Comprehensive Plan or the Town Code;

The hardship is a result of the lot being subdivided to a substandard size lot, prior to the Town's Comprehensive Plan or Town Code being adopted.

(5) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;

Granting of the variance is not intended to assist the applicant in achieving greater financial return, rather the applicant wishes to expand his home for more livable space. Currently, the home has 741 square feet. He is proposing 1,631 square feet. He has indicated that there are no comparable properties, which has led to difficulty acquiring an appraisal of the property. The granting of the variance may ease his ability to refinance, if he so chooses.

(6) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;

The granting of the variance is specific to the conditions within this lot. This is 25 foot lot that was developed in 1936 and is the only lot in the Town with this condition. The home's first floor setbacks meet today's code requirements, however, the proposed second floor setbacks do not meet the code due to the requirement of a 7.5 foot average side setback.

(7) The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

The requested variance is the minimum needed to build the second story addition.

(8) The requested variance is in harmony with the general intent and purpose of the Town of Surfside Comprehensive Plan and the Town Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

The proposed addition is generally consistent with the intent of the Comprehensive Plan and the Town of Surfside Code. The existing structure, as well as the proposed addition is compatible with the neighborhood. The proposed aesthetics of the home will not diminish or impair property values within the neighborhood.

Results

Staff recommends approval of the side setback variance.

Exhibits

1. Application
2. Site Plan

**TOWN OF SURFSIDE PLANNING & ZONING BOARD
RESOLUTION NO. 13-Z-____**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA
PLANNING & ZONING BOARD CONSIDERING THE
APPLICATION OF 8859 CARLYLE AVENUE TO PERMIT A
SIDE SET BACK VARIANCE FROM THE REQUIREMENTS OF
SECTION 90-45 OF THE TOWN OF SURFSIDE CODE OF
ORDINANCES TO ALLOW THE EXISTING SINGLE FAMILY
HOME TO ADD A SECOND STORY; PROVIDING FOR
RECOMMENDATION OF APPROVAL; PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, Section 90-45 of the Town of Surfside Code of Ordinances requires the second story setbacks to be a minimum of five (5) feet, with an average setback of seven and a half (7 1/2) feet in the H30B Zoning District; and

WHEREAS, the property, 8859 Carlyle Avenue, is located within the Residential Single Family H30B Zoning District; and

WHEREAS, the existing single family home is only fifteen (15) feet wide, due to the fact that the lot is only twenty-five (25) feet wide; and

WHEREAS, the average setback means that on the second floor of the home, fifty (50%) percent of each side wall is required to have an additional five (5) foot setback; and

WHEREAS, Section 90-36 of the Town of Surfside Code of Ordinances provides for variance application and review; and

WHEREAS, the property was developed in 1936 and subdivided to a twenty-five (25) foot lot between 1925 and 1936, these renovations allow for special conditions and circumstances for this peculiar land, structure or building involved, which are not applicable to other lands, structures, or buildings; and

WHEREAS, the Town Staff recommends approval of the side setback variance; and

WHEREAS, the Planning and Zoning Board recommend approval of the side setback variance.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 2. Variance. That the Planning and Zoning Board find the requested variance from the minimum side setback requirement of Section 90-45 of the Town of Surfside Code of Ordinances meets the variance criteria set forth in Section 90-36 of the Town of Surfside Code of Ordinances. (See also Attachment "A" Memorandum from Town Planner, Sarah Sinatra Gould, AICP, Town Planner.)

Section 3. Approval. The Planning and Zoning Board recommend approval of this variance.

Section 4. Effective Date. This resolution becomes effective upon adoption.

PASSED AND ADOPTED this _____ day of July, 2013

Motion by Planning and Zoning Board Member _____,
Second by Planning and Zoning Board Member _____

FINAL VOTE ADOPTION


Member, Armando Castellanos _____
Member, Jennifer Dray _____
Member, Carli Koshal _____
Vice Chair, Peter Glynn _____
Chair, Lindsay Lecour _____

Lindsay Lecour, Chair

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Town Attorney



MEMORANDUM

To: Planning and Zoning Board
Thru: Michael Crotty, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Interim Town Attorney
Date: July 25, 2013
Re: 8810 Garland Avenue – Screen Porch

The property is located at 8810 Garland Avenue, within the H30B zoning district. The applicant is requesting to enclose the porch at the rear of their single family home. The home has an existing slab and there was an awning covering the patio, but it was in disrepair. The homeowner is proposing a screen room in the same location.

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

Existing Condition at the Rear of the Property:



Standards/Results

Town of Surfside Zoning Code, Applicable Requirements

H30A and H30B	Percentage	Proposed
SINGLE STORY STRUCTURES	MINIMUM SETBACK	
Primary frontage	20 Feet	20 Feet
Interior side (lots equal to or less than 50 feet in width)	5 Feet	15 Feet
Rear	20 Feet	19.7 Feet

RECOMMENDATION

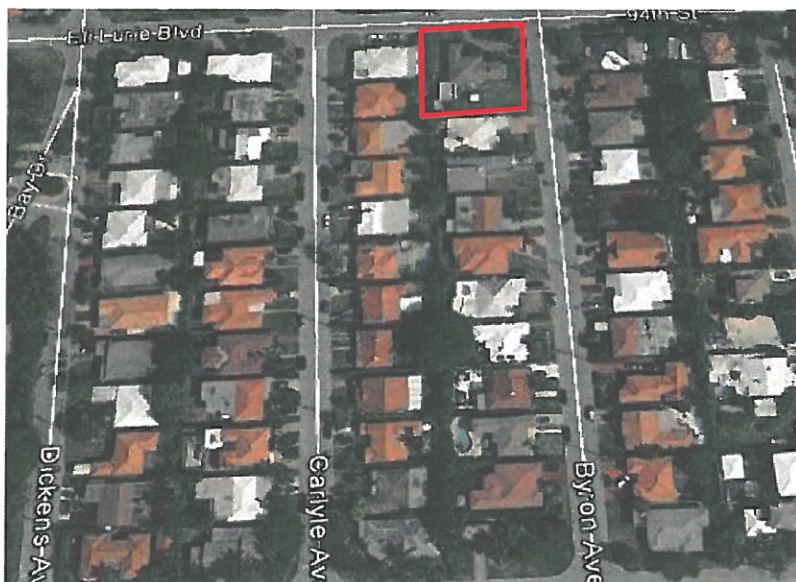
Staff recommends approval with the condition that rear setback be increased by .3 feet to meet the 20 ft setback requirement.



MEMORANDUM

To: Planning and Zoning Board
 Thru: Michael Crotty, Town Manager
 From: Sarah Sinatra Gould, AICP, Town Planner
 CC: Linda Miller, Interim Town Attorney
 Date: July 25, 2013
 Re: 500 94th Street - New Fence

The property is located at 500 94th Street, within the H30B zoning. The homeowner is requesting to build a new masonry wall with a gate to enclose the pool located on the east side of the lot. The home is located on a corner lot and a portion of the wall is proposed on the street side. Below please find a location map of the home and the approximate location of the wall. A neighboring property has a similar wall and landscaping. This homeowner is proposing similar landscaping to the neighbor. Therefore, pictures of the neighboring property are also attached.





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

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90.56 Fences, walls and hedges

	Required	Proposed
Wall with gate	Wall in the front are only permitted with the Planning and Zoning Board's approval.	5 foot wall in the front with a gate.

Sec. 90-56.4 Front yard and corner yard fences and ornamental walls—Table.

Frontage	Maximum Height (Feet)	Maximum Opacity (Percent)
Less than or equal to 50 ft in width	4 ft	All wall and fence surfaces above two (2) feet measured from grade shall maintain a maximum opacity of fifty (50) percent
Wider than 50 ft and less than 100 ft	4 ft + ½ ft per 10 feet of lot width exceeding 50 feet, maximum 6 ft	
Secondary frontage (Corner only)	Shall adhere to the height and opacity limitations for corresponding lot frontage	

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

The Code states that "A fence that has a maximum opacity of 100 percent and a maximum height of five feet, as measured from grade, may project into or enclose up to 50 percent of the rear portion of the primary corner yard provided that the fence shall be placed at least ten feet from the right-of-way line or the fence shall be aligned with the wall plane of the subject home."

The proposed wall is 100% opaque and provides a 10 foot setback. However, it exceeds 50% of the lot by 2 feet.

RECOMMENDATION

Staff recommends approval with the following conditions:

- 1) Provide landscaping in front of the wall.
- 2) Reduce the length of the wall by 2 feet.
- 3) Paint the wall to match the home.







MEMORANDUM

To: Planning and Zoning Board
 Thru: Michael Crotty, Town Manager
 From: Sarah Sinatra Gould, AICP, Town Planner
 CC: Linda Miller, Interim Town Attorney
 Date: July 25, 2013
 Re: 8939 Abbott Avenue – Shed

The property located at 8939 Abbott Avenue has submitted an application for a 70 square foot wood shed located at the rear of the property. The property is within the H30B zoning district.

Sec. 90-45 Setbacks

Minimum Setback		Provided
Interior side	7.5 Feet	7.5 Feet
Rear	5 Feet	5 Feet

Sec. 90-49 Lot Standards

Maximum Lot Coverage	
Required	40%
Provided	26%

Sec. 90-54 Accessory buildings and structures in the H30A and H30B districts

Section 90-54.1 Maximum Height	
Required	12 Feet
Provided	8 Feet
Section 90.54.7 Tool sheds	
Required	70 Square Feet
Provided	70 Square Feet

Below is the location of the shed at the rear of the property.



RECOMMENDATION

Staff recommends approval.



MEMORANDUM

To: Planning and Zoning Board
Thru: Michael Crotty, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Interim Town Attorney
Date: July 25, 2013
Re: 1356 Biscaya Drive Garage Addition

The property located at 1356 Biscaya Drive is within the H30A zoning district. The applicant is requesting to expand 256 square feet to the existing garage toward the south side, along with addition of new garage door and windows. Applicant is also proposing new decorative stone fill in place of existing grass strips on driveway.





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

STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90.45 Setback

Setbacks	Required	Proposed
Primary frontage	Minimum 20 feet	26 feet 10 inches
Interior side (lots over 50 feet in width)	Minimum 10% of the frontage (5.7 feet)	8.5
Rear	Minimum 50 feet	60 feet

Sec. 90.49 Lot standards

Lot Standards H30A	Required	Proposed
Pervious area	35% (minimum)	60%
Maximum lot coverage	40%	22.8%

Town of Surfside Adopted Residential Design Guidelines

Transparency and Void Requirements

Required	Proposed
All elevations should provide for a minimum of 10% wall openings.	Minimum 10% wall openings provided.
New windows should be placed to avoid direct views into existing neighboring windows.	Adequate landscaping to shield any views.

Wall Materials and Finishes

Required	Proposed
The same material should be used on all building elevations unless multiple materials are a legitimate expression of the particular style.	Stucco painted white to match existing residence

Windows and Trims

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

Recommendation

Staff recommends approval.



MEMORANDUM

To: Planning and Zoning Board
 Thru: Michael Crotty, Town Manager
 From: Sarah Sinatra Gould, AICP, Town Planner
 CC: Linda Miller, Interim Town Attorney
 Date: July 25, 2013
 Re: 8859 Carlyle Avenue, Addition

The property is located at 8859 Carlyle Avenue, within the H30B zoning. The applicant and property owner, James Watson is requesting to build a second story addition to his existing single family residence. The site plan includes a new living room and porch on the first level and a master bedroom, master bathroom, and den room on the second floor. In order to construct the second story, a variance is required and has been submitted in conjunction with this application.



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
- 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
H30B	30 feet (may exceed up to 3 feet for architectural features)	25 feet

Sec. 90-45. Setbacks

H30A UPPER STORY IS 50% to 64% of the FIRST FLOOR AREA	Required	Proposed
FIRST STORY		
Primary Frontage	Minimum 20 feet	42 feet 7 inches
Interior side	Minimum 5 feet	5 feet
Rear	Minimum 20 feet	5 feet is existing for first story, which is not being modified. A 21.5 foot setback is proposed for the new construction.
UPPER STORY		
Primary frontage	Minimum 20 feet/Average 25 feet	42 feet 7 inches
Interior side	Minimum 5 feet/Average 7.5 feet	Minimum 5 feet/Average 5 feet VARIANCE REQUESTED
Rear	Minimum 20 feet	25 feet

Sec. 90.49 Lot standards

Lot Standards H30B	Required	Proposed
Minimum Lot width	50 feet	25 feet - EXISTING
Minimum lot area	5,000 feet	2,800.5 feet
Minimum lot coverage	40%	34.6%
Pervious area	35% (minimum)	41%

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; (b) White concrete tile; (c) Solid color cement tile which	Metal roof is proposed

	<p>color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board;</p> <p>(d)Architecturally embellished metal if granted approval by the Design Review Board; or</p> <p>(e)Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.</p>	
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Town of Surfside Adopted Residential Design Guidelines

Main Entries

Required	Proposed
Prominent and oriented to the street	Main entry provided. Constructing porch which provides a more defined entry.
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	Meets this requirement

Decorative Features

Required	Proposed
Decorative features should be stylistically consistent throughout the entire building.	New stucco and paint

Overall Architectural Style

Required	Proposed
The overall style of each house should be consistent on all sides of the building, as well as among all portions of the roof.	Front and rear have the same material for the balcony. Windows and doors are the same material.

Wall Materials and Finishes

Required	Proposed
The same material should be used on all building elevations unless multiple materials are a legitimate expression of the particular style.	Not consistent. Stucco on first floor and faux wood cladding on the second floor, but appears to be complimentary.

Roof Materials, Types, and Slopes

Required	Proposed
Roof types and slopes should be generally the same over all parts of a single building.	New portion pitched over flat roof.

<p>Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to:</p> <ol style="list-style-type: none"> 1. Clay tile; 2. White concrete tile; 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>A metal roof is proposed.</p>
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Windows and Trims

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

RECOMMENDATION

Staff recommends approval.



Town of Surfside Commission Communication

Agenda Item #:

Agenda Date: July 16, 2013

Subject: Trellises

From: Sarah Sinatra Gould, AICP, Town Planner

Background: Currently, applications for trellises require review by the Planning and Zoning Board. This has become burdensome for property owners who are proposing minor upgrades to their homes. Trellises are required to meet setback requirements and all other zoning requirements, which are confirmed by staff prior to review at the Planning and Zoning Board.

Staff began a discussion with the Board at the June 27, 2013 meeting to permit administrative review of trellises. The board directed staff to prepare an ordinance that excludes trellises located at the rear or interior side yard from Planning and Zoning Board review.

Analysis: A trellis does not have an enclosed roof, and therefore does not add to the impervious area or negatively affect lot coverage. This is unlike gazebos, which have a roofed structure and will continue to be reviewed by Planning and Zoning. Also, the proposed exemption will not apply to trellises located in the front or street side yard.

Graphics: A trellis is demonstrated in Attachment 1.

Recommendation: Staff recommends the Town Commission approve this ordinance on first reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

Attachment 1



ORDINANCE NO. 13 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" SPECIFICALLY SECTION 90-19 "SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT PROCESS" TO ADD "TRELLISES" LOCATED IN THE REAR OR INTERIOR SIDE YARD TO ITEMS NOT SUBJECT TO PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to add trellises located in the rear or interior side yard to single family and two-family development items that are not subject to Planning & Zoning Board review; and

WHEREAS, applications for trellises are burdensome for property owners proposing minor upgrades to their homes; and

WHEREAS, trellises do not add to the impervious area or negatively affect lot coverage and currently, staff confirms that the trellises meet all setback and zoning requirements; and

WHEREAS, the Town Commission held its first public hearing on July 16, 2013 having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on August 13, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:

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

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

90-19.7 The following shall be exempt from planning and zoning board review; however, the design guidelines shall be followed:

- (1) Interior or rear yard fences.
- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs
- (7) Trellises

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

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

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

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

PASSED and ADOPTED on first reading this _____ day of _____, 2013.

PASSED and ADOPTED on second reading this _____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Interim Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

Commissioner Graubart	yes _____ no _____
Commissioner Kligman	yes _____ no _____
Commissioner Olchyk	yes _____ no _____
Vice Mayor Michael Karukin	yes _____ no _____
Mayor Daniel Dietch	yes _____ no _____



Town of Surfside Commission Communication

Agenda Item #:

Agenda Date: July 16, 2013

Subject: Metal Roofs

From: Sarah Sinatra Gould, AICP, Town Planner

Background: Section 90-50 of the Code limits the type of roof materials permitted for building. Currently, the planning and zoning board must grant approval for metal roofs. There has been an increase of requests for metal roofs in Town due to metal roofs being energy-efficient and sustainable. The Planning and Zoning Board have reviewed a number of requests for metal roofs recently and have asked staff to prepare an ordinance excluding metal roofs from Planning and Zoning Board review.

Analysis: If the ordinance is approved, metal roofs will be reviewed by the building department only. This will treat metal roofs the same as other approved roofing materials in Town.

Recommendation: Staff recommends the Town Commission approve this ordinance on first reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

ORDINANCE NO. 13 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO EXCLUDE METAL ROOFS FROM PLANNING & ZONING BOARD REVIEW; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to exclude metal roofs from being subject to Planning and Zoning Board approval; and

WHEREAS, there has been an increase in requests for metal roofs due to their sustainability and energy efficiency; and

WHEREAS, the building department will review applications for metal roofs in the same manner as applications with other approved roofing materials; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission held its first public reading on July 16, 2013 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 13, 2013 and further finds the proposed change to the Code necessary and in the best interest of the community.

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

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

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

Ordinance No. _____

Sec. 90-50. Architecture and roof decks.

9-50.1 Architecture.

(1) The architectural design of proposed main buildings shall create a unique elevation compared to the main buildings of the adjacent two homes on each side of the subject property on the same side of street. If the adjacent lot is vacant then the next adjacent lot shall be utilized. A unique elevation shall be created through the modulation of at least three of the following architectural features:

- a. Length, width and massing of the structure;
- b. Number of stories;
- c. Facade materials;
- d. Porches and other similar articulation of the front facade;
- e. Number and location of doors and windows; and
- f. Roof style and pitch.

(2) All elevations for new structures and multi-story additions (additions greater than 15 feet in height) shall provide for a minimum of ten-percent wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.

(3) All elevations for single story additions to existing structures shall result in a zero percent net loss of wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.

(4) Roof materials are limited as follows:

- 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 ~~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.

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.

Ordinance No. _____

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

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

PASSED and ADOPTED on first reading this ____ day of _____, 2013.

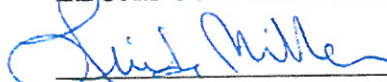
PASSED and ADOPTED on second reading this ____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Interim Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

Mayor Daniel Dietch	yes	_____	no	_____
Vice Mayor Michael Karukin	yes	_____	no	_____
Commissioner Graubart	yes	_____	no	_____
Commissioner Kligman	yes	_____	no	_____
Commissioner Olchyk	yes	_____	no	_____

Ordinance No. _____



Town of Surfside Commission Communication

Agenda Item #:

Agenda Date: July 16, 2013

Subject: Required Carport Standards

From: Sarah Sinatra Gould, AICP, Town Planner

Background: Section 90-58 of the Code permits carport canopies to be constructed in a front, a secondary side or rear yard setback in H30A and H30B districts and requires that carport canopies not exceed 20 feet in length, or ten feet in width. Although the requirement is not to exceed ten feet in width, the code provides construction standards for canopies up to 20 feet in width, which appears to be an inconsistency.

The code also requires that parking spaces for two vehicles be provided on each property. A two car wide driveway is required to be eighteen feet in width to accommodate both vehicles side by side.

Analysis: At this time, if a home with a two car driveway requests a carport canopy, the carport will either need to be cantilevered over the driveway or be installed in the middle of the driveway to provide for the support posts. These concepts are demonstrated in Attachment 1.

Recommendation: Staff introduced this concept to the Planning and Zoning Board at the June 27, 2013 meeting. The board was supportive of an ordinance modification that permitted twenty foot wide carport canopies. Staff recommends the Town Commission approve this ordinance on first reading.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

Attachment 1

Below are images of a proposed double carport and the permitted single carport:



ORDINANCE NO. 13 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-58 “CARPORT CANOPIES” FOR CONSISTENCY WITH DRIVEWAY REGULATIONS AND CONSTRUCTION STANDARDS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Surfside (“Town”) proposes to amend its Code of Ordinances to address uniformity and update carport canopy regulations; and

WHEREAS, the code requires that parking spaces for two vehicles be provided on each property and a two car wide driveway is required to be wider than existing carport canopy regulations; and

WHEREAS, the Town has determined that an inconsistency exists between driveway regulations, construction standards and the existing carport canopy regulations; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission held its first public reading on July 16, 2013 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 13, 2013 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:

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

Ordinance No. _____

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

Sec. 90-58. - Carport canopies.

Carport canopies may be constructed, in a front, secondary side or rear yard setback in the H30A and H30B districts.

- (1) Such canopy shall not exceed 20 feet in length, ~~nor ten feet in~~ and 20 feet in width.
- (2) The height of such canopy shall not exceed ten feet.
- (3) The height of the side openings shall be at least six feet, three inches.
- (4) Such canopy shall be subject to the following minimum setbacks:
 - a. *Rear*: Five feet.
 - b. *Interior side*: Five feet.
 - c. *Primary (front) and secondary (corner)*: Two feet.
 - d. *Rear of street curb*: Seven feet.
- (5) A canopy shall at all times remain open on all four sides, if free standing, and open on three sides if attached to the main building.
- (6) The area under a canopy must be entirely paved by an approved paving material.

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

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

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

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

Ordinance No. _____

PASSED and ADOPTED on first reading this ____ day of _____, 2013.

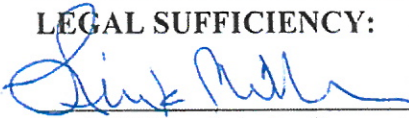
PASSED and ADOPTED on second reading this ____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, Interim Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

Mayor Daniel Dietch	yes	no
Vice Mayor Michael Karukin	yes	no
Commissioner Graubart	yes	no
Commissioner Kligman	yes	no
Commissioner Olchyk	yes	no


Ordinance No. _____



TOWN OF SURFSIDE
Office of the Town Attorney
 MUNICIPAL BUILDING
 9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154-3009
 Telephone (305) 993-1065

PLANNING & ZONING BOARD COMMUNICATION

TO: Planning & Zoning Board

FROM: Linda Miller 
 Town Attorney

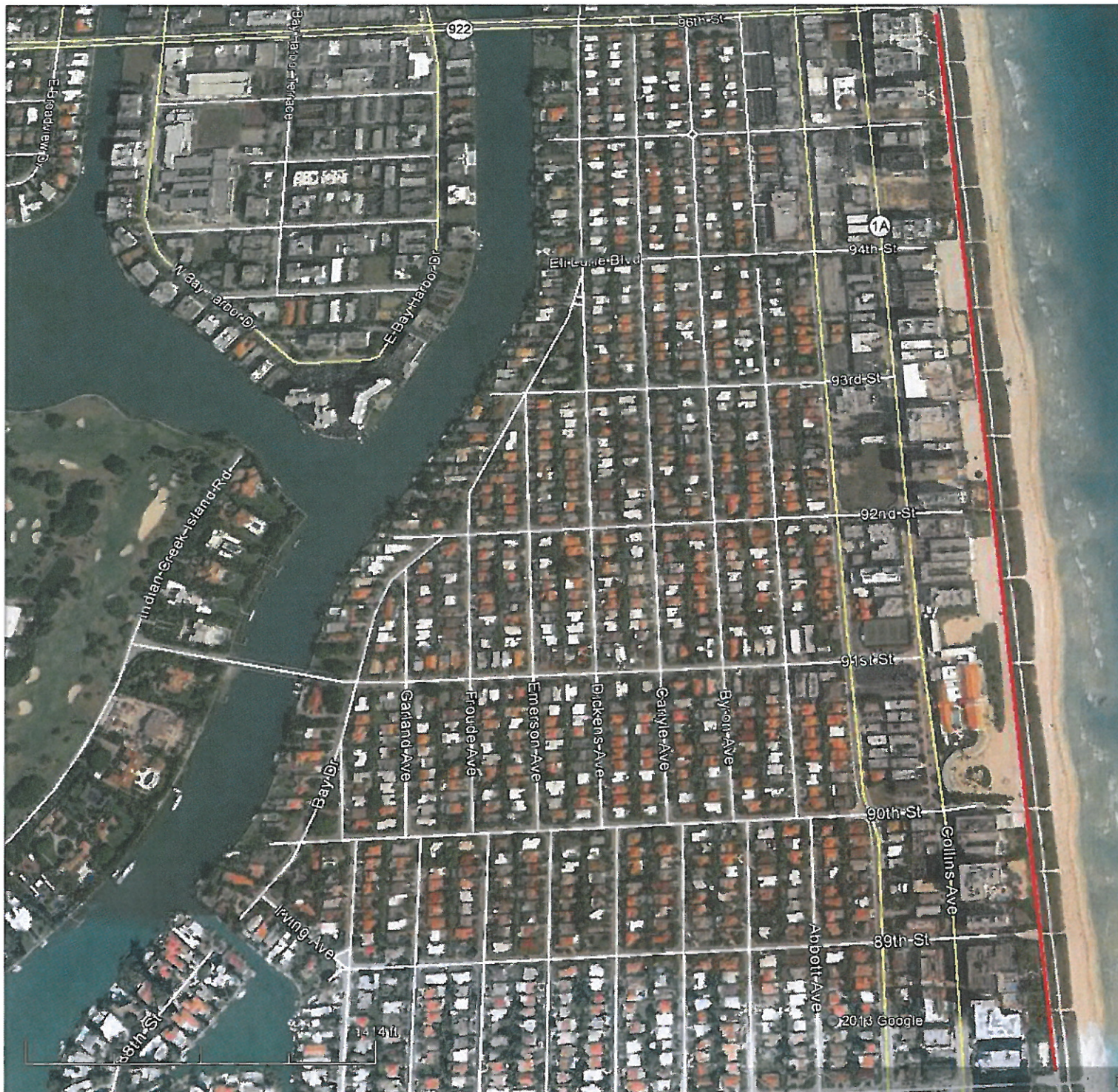
CC: Michael P. Crotty, Town Manager
 Sarah Johnston, Interim Assistant Town Attorney

DATE: July 25, 2013

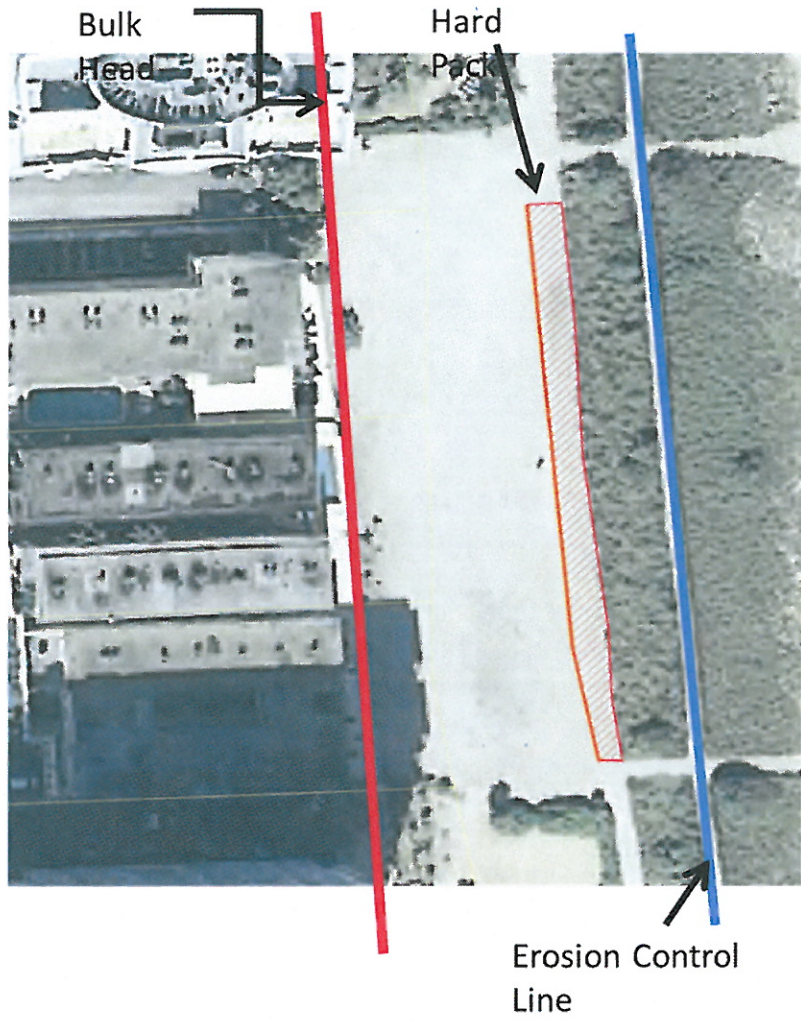
SUBJECT: Hardpack Easement

The Town adopted Resolution No. 13-Z-04 and Resolution No. 13-Z-06 approving site plan applications which included a perpetual, irrevocable easement in favor of the public in the area commonly referred to as the "hardpack" which is defined as the sand road west of the Erosion Control Line and used by public safety vehicles. (See Attachment "1" and Attachment "2") At the May 30, 2013 Planning & Zoning Board meeting, the Board discussed the "hardpack" easement and recommended the Town prepare an ordinance amending the Code with the requirement that before a construction permit is issued, all properties east of the ocean bulkhead line will be required to provide an access easement to the Town granting the perpetual use of the hardpack for the public's use and enjoyment.

Attachment 1 – Hardpack throughout the Town



Attachment 2 – Typical section of Hardpack



ORDINANCE NO. 13 – _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 SECTION 90-60 "CONSTRUCTION ADJACENT TO BULKHEAD LINES" SUBSECTION 90-60.1 OF THE TOWN OF SURFSIDE CODE OF ORDINANCES REQUIRING NO PERMIT SHALL BE ISSUED FOR THE REPAIR, EXTENSION, ALTERATION OR REPLACEMENT OF ANY HABITABLE, FULLY-ENCLOSED STRUCTURE EAST OF THE OCEAN BULKHEAD LINE; NO PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF ANY HABITABLE, FULLY ENCLOSED STRUCTURE CLOSER THAN 20 FEET TO THE WEST OF THE OCEAN BULKHEAD LINE; ALL PROPERTIES EAST OF THE OCEAN BULKHEAD LINE WILL BE REQUIRED TO PROVIDE AN ACCESS EASEMENT TO THE TOWN GRANTING THE PERPETUAL USE OF THE HARDPACK TO THE PUBLIC; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") proposes to amend its Code of Ordinances to address uniformity and updates in the construction adjacent to bulkhead lines; and

WHEREAS, the Town adopted Resolution No. 13-Z-04 and Resolution No. 13-Z-06 approving site plan applications which included a perpetual, irrevocable easement in favor of the public in the area commonly referred to as the "hardpack" to the Erosion Control Line; and

WHEREAS, the "hardpack" is defined as the sand road west of the Erosion Control Line used by public safety vehicles; and

WHEREAS, it is in the best interest of the Town that no permit shall be issued for the construction, repair, extension, alteration or replacement of any habitable, fully-enclosed structure east of the ocean bulkhead line and the properties closer than 20 feet to the west of the ocean bulkhead line; and

WHEREAS, it is in the best interest of the Town that before a permit is issued, all properties east of the ocean bulkhead line will be required to provide an access easement to the Town granting the perpetual use of the hardpack to the public; and

WHEREAS, the Town Commission held its first public reading on July 16, 2013 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on July 25, 2013 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on August 13, 2013 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA as follows:

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

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

Sec. 90-60. Construction adjacent to bulkhead lines.

90-60.1 Ocean bulkhead lines are established in section 14-86 and the following regulations shall control construction adjacent thereto:

(1) No permit shall be issued for the construction of any habitable, fully-enclosed structure ~~which shall be closer than 20 feet to east of~~ the ocean bulkhead line.

(2) No permit shall be issued for the repair, extension, alteration or replacement of any habitable, fully-enclosed structure ~~lying within 20 feet east~~ of the ocean bulkhead line.

(3) No permit shall be issued for the construction of any habitable, fully enclosed structure closer than 20 feet to the west of the ocean bulkhead line.

(4) No permit shall be issued for the repair, extension, alteration or replacement of any habitable, fully enclosed structure lying within 20 feet to the west of the ocean bulkhead line.

(5) All properties east of the ocean bulkhead line shall be required to provide an access easement to the Town granting the perpetual use of the hardpack to the public. The hardpack is defined as the sand road west of the Erosion Control Line used by public safety vehicles. Each beach access easement agreement shall be in a form acceptable to the Town Manager and approved as to legal sufficiency by the Town Attorney and shall contain a signed and sealed boundary survey and legal description of the easement area.

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

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

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

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

PASSED and ADOPTED on first reading this _____ day of _____, 2013.


PASSED and ADOPTED on second reading this _____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Linda Miller, Interim Town Attorney

Vote:

Mayor Daniel Dietch	yes _____	no _____
Vice Mayor Michael Karukin	yes _____	no _____
Commissioner Graubart	yes _____	no _____
Commissioner Kligman	yes _____	no _____
Commissioner Olchyk	yes _____	no _____



Town of Surfside Planning and Zoning Board Communication

Agenda Date: July 25, 2013

Subject: Veterinary Clinics

From: Sarah Sinatra Gould, AICP, Town Planner

Background: Section 90-41 of the Code states that business offices, except veterinary offices, are permitted in the business district. A resident, who is also a veterinarian, has asked staff to look at this exclusion.

Analysis: Staff has reviewed a number of codes, including Coral Gables, Miami Beach, Bay Harbor Islands and Bal Harbour. Only Coral Gables and Miami Beach specifically permit veterinarian clinics. In an application for a veterinary clinic, the Town should consider such factors as sound proofing and determining where the animals will be walked.

Recommendation: If the Town wishes to permit this use, Staff recommends that the use be a Conditional Use. A Conditional Use will allow the Planning and Zoning Board and Town Commission to analyze the use based on the specific location and propose mitigation for any negative effects of the use.

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

Permits and Revenue Report

<u>Fiscal Quarter</u>	<u>Fiscal Year</u>	<u>Revenue Period</u>	<u>Month/Year</u>	<u>Permits Issued</u>	<u>Revenue</u>
1	2013	1	Oct of 2012	68	\$25,315
	2013	2	Nov of 2012	70	\$29,242
	2013	3	Dec of 2012	72	\$42,686
2	2013	4	Jan of 2013	71	\$102,779
	2013	5	Feb of 2013	83	\$44,198
	2013	6	Mar of 2013	79	\$20,634
3	2013	7	Apr of 2013	107	\$107,099
	2013	8	May of 2013	119	\$28,846
	2013	9	Jun of 2013	85	\$25,139
4	2013	10	Jul of 2013		
	2013	11	Aug of 2013		
	2013	12	Sep of 2013		
Total Permits Issued				<u>754</u>	<u>\$425,938</u>