



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD**

**AGENDA
JANUARY 30, 2014
7:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES: DECEMBER 19, 2013**
- 4. PLANNING AND ZONING APPLICATIONS:**
 - A. Request of the Owner of Property located at 9308 Harding Avenue
The applicant is requesting to build a new single family residence.**
 - B. Request of the Owner of Property located at 9530 Harding Avenue
The applicant is requesting to remodel an existing storefront.**
 - C. Request of the Owner of Property located at 9472 Harding Avenue
The applicant is requesting to install a new canvas awning.**
 - D. Request of the Owner of Property located at 9445 Harding Avenue
The applicant is requesting to install a new canvas awning.**
 - E. Request of the Owner of Property located at 9380 Collins Avenue
The applicant is requesting to renovate a sales center.**
- 5. Discussion items:**
 - A. Dock located in channel**
 - B. Planning and Zoning membership**
 - C. Update on turtle lighting**
 - D. Future Agenda Items**
 - E. Update on Noise Ordinance**

6. ORDINANCES:

- 1. AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE CREATION OF A SPECIAL OR BUSINESS NEIGHBORHOOD IMPROVEMENT DISTRICT BY THE ENACTMENT OF A SEPARATE ORDINANCE FOR EACH; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AUTHORIZATION, AND PROVIDING FOR AN EFFECTIVE DATE.**
- 2. AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-45 “SETBACKS”; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**
- 3. AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90-50 “ARCHITECTURE AND ROOF DECKS” TO ALLOW FOR THE INSTALLATION OF TWO CAR GARAGE DOORS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**
- 4. AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION 90.41 “REGULATED USES” PROHIBITING THE SALE OF LIVE ANIMALS AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**
- 7. PERMITS ISSUED AND REVENUE REPORT FOR DECEMBER 2013.
[To be delivered separately]**
- 8. 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
DECEMBER 19, 2013
7:00 PM**

1. CALL TO ORDER

Vice Chair Peter Glynn called the meeting to order at 7:03 pm.

2. ROLL CALL

Recording Clerk Jenorgen Guillen called the roll with the following members present: Board Member Carli Koshal, Board Member Jennifer Dray, Vice Chair Peter Glynn. Chair Lindsay Lecour was absent. Board Member Armando Castellanos arrived at 7:05 p.m.

3. APPROVAL OF MINUTES: **OCTOBER 23, 2013 & NOVEMBER 21, 2013**

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

4. PLANNING AND ZONING APPLICATIONS:

A. Request of the Owner of Property located at 9432 Carlyle Avenue

The applicant is requesting an addition to the property.

Town Planner Sarah Sinatra presented the item. Applicant spoke in favor of the item.

A motion for approval was made by Board Member Dray with the following condition:

1. Overall site pervious area shall be a minimum of 35%.

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

B. Request of the Owner of Property located at 8874 Carlyle Avenue

The applicant is requesting to install a carport and fence.

Town Planner Sarah Sinatra presented the item.

A motion for approval was made by Board Member Dray with the following condition:

1. Reduce the height of the canopy to no more than 20 feet.

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

C. Request of the Owner of Property located at 9560 Harding Avenue

The applicant is requesting to install a sign underneath the canopy.

Town Planner Sarah Sinatra presented the item.

A motion for approval was made by Board Member Koshal with the following condition:

1. Sign shall provide at least an eight-foot clearance.

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

D. Request of the Owner of Property located at 9427 Harding Avenue

The applicant is requesting to install a permanent sign.

Town Planner Sarah Sinatra presented the item.

A motion for approval was made by Board Member Castellanos with the following conditions:

1. The sign area shall be reduced to 25 square feet.
2. No raceway, sign letters directly installed in wall face with small offset to allow for water runoff.

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

E. Request of the Owner of Property located at 9489 Harding Avenue

The applicant is requesting to install a permanent sign.

Town Planner Sarah Sinatra presented the item.

Vice Chair Glynn thought the graphics were somewhat out of proportion.

A motion for approval was made by Board Member Dray with the following condition:

1. Sign switches conduits and panel boxes shall be concealed from view.

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

F. Request of the Owner of Property located at 9513 Harding Avenue

The applicant is requesting to install a permanent sign.

Town Planner Sarah Sinatra presented the item. Applicant spoke in favor of the item.

A motion for approval was made by Board Member Dray with the following condition:

1. "Miami Forever Realty" wall sign only is approved. The additional signage is not approved.

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

5. Discussion items:

A. Frontage of buildings in the H120

Town Planner Sarah Sinatra presented some preliminary graphic designs and indicated at the next meeting she will have more detailed graphics. The Board thanked Sarah for a well done presentation as seeing graphics are a big help.

B. Dock Projections

Town Planner Sarah Sinatra presented the item and the problem writing ordinances to be consistent with State regulations. Docks are required to clear the seaweed but seaweed keeps growing and the town has previously changed code requirements to 35 feet. Staff is asking the Board to consider modifying the ordinance to 40 feet. The Board discussed the item and the Dept. of Environmental Resources Management (DERM) and Regulatory and Economics Resources (RER) requirements. Public Speaker Terry Cohen spoke on the issue.

C. Dumpster Enclosures

Town Planner Sarah Sinatra presented the item and would like to prepare an ordinance for dumpsters to be enclosed by standard masonry walls with gate. The Board discussed sizes as well as some type of embellishment to the walls so they are not just a large mass of masonry wall. Building Official, Ross Prieto spoke and answered questions from the Board.

D. Downtown Color Palette

Town Planner Sarah Sinatra presented the item and explained that it is difficult to come up with a color palette because of all the various architectural building designs in the downtown area. The Board discussed the item and agreed there has to be some guidelines and said it was a difficult task. Board Member Koshal suggested putting a limit within a color spectrum and Vice Chair Glynn said the downtown area looks worn. They discussed the possibility of requiring buildings in the downtown area to be repainted after certain intervals (3 -5 years). Public Speaker Terry Cohen spoke about keeping uniformity as well as giving business owners freedom of expression.

E. Electric Car Charging Stations

Town Planner Sarah Sinatra presented the item. The Board discussed requiring an electric car charging station in all new parking lots and new buildings as well as existing lots installing 220 volt access for electric cars. The levels of charging stations was also discussed.

6. PERMITS ISSUED AND REVENUE REPORT FOR OCTOBER 2013.

[The month of November will be delivered separately]

Building Official, Ross Prieto gave an updated report. Town Manager Michael Crotty said the Monthly Report has been revised and at the next meeting the Board will see a more detailed accounting.

7. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 8:18 p.m.

Accepted this ____ day of _____, 2013

Chair Lindsay Lecour

Attest:

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: January 30, 2014
 Re: 9308 Harding Avenue, New Residence

The property is located at 9308 Harding Avenue, within the H30B zoning. The applicant, Steven Coles of Robert Swedroe Architects, on behalf of Sam Lupowitz, is requesting to build a new two story single family residence.



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 with a 3 foot encroachment for architectural features	30 feet to the top of the structure, plus 3 feet for a parapet wall

Sec. 90-45. Setbacks

H30B UPPER STORY IS 65% to 80% of the FIRST FLOOR AREA	Required	Proposed
<i>Maximum Lot Coverage</i>	40% (2,250 square feet)	1,980 square feet
FIRST STORY		
Primary Frontage	Minimum 20 feet	30 feet
Interior side	Minimum 5 feet	5 feet
Rear	Minimum 20 feet	24 feet 5 inches
UPPER STORY		
Primary frontage	Minimum 20 feet/Average 30 feet	Providing 23 foot and 30 foot setbacks
Interior side	Minimum 5 feet/Average 10 feet	Minimum 5 feet/Average 10.8 feet
Rear	Minimum 20 feet/ Average n/a	26 feet 6 inches

Sec. 90.49 Lot standards

Lot Standards H30B	Required	Proposed
Minimum Lot width	50 feet	50 feet
Minimum lot area	5,000 feet	5,625
Pervious area	35% (minimum)	35.5%

Sec. 90.50 Architecture and roof decks

	Required	Proposed
Wall openings	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.	East elevation provides 11.5% West elevation provides 40.6% North elevation provides 10.1% South elevation provides 10.1%

Roof Material	<p>(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.</p>	Flat roof.
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Sec. 90.61.1 Paving in front and rear yards in H30 and H40 Districts

Paving Yards	Required	Proposed
Front setback permeability	50% minimum	73%
Front yard landscaped	30% minimum	30.2%
Rear yard landscaped	20% minimum	46.5%
Number of Curb Cuts	One	One
Curb Cut side set back	5 feet minimum	5 feet
Curb cut width	12 feet width maximum	11.6 feet provided
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.	Grass block is being provided.

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 are provided

Main Entries

Required	Proposed
Prominent and oriented to the street	A prominent main entry is provided.
Rendered in appropriate scale for the block as well as the individual building	The entry is appropriate for the 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	The main entry is visible and not concealed from view.

Decorative Features

Required	Proposed
Decorative features should be stylistically consistent throughout the entire building.	Consistent.

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.	Consistent.

Driveway Treatments

Required	Proposed
Town encourages the use of pavers	Grass block is provided.

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.	The house will be stucco.

Roof Materials, Types, and Slopes

Required	Proposed
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; 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.	Flat roof proposed

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

90-54.2 Accessory swimming pools and decks

Requirement	Proposed
<p><i>90-54.2 Accessory swimming pools and decks</i></p> <p>Required Setbacks</p> <p>(a) Rear: Five feet.</p> <p>(b) Interior side: Five feet.</p> <p>(c) Primary (front) and secondary (Corner): Ten feet.</p>	<p>(a) Rear setback: 7 feet</p> <p>(b) Interior setback: 5 feet</p> <p>c) Not applicable</p>

RECOMMENDATION

Staff recommends approval, with the condition that the grass block driveway be modified to a permitted driveway width and material. The Town Code does not expressly permit grass block as a permitted driveway material, nor does the Code permit the front of a property to be a parking court. A driveway is limited to 18 feet in width and must be either paver or stamped concrete.

The applicant has requested the Planning and Zoning Board to review staff's interpretation. He has indicated that due to the home's location on Harding Avenue, he wishes to have the ability to turn around within the driveway to avoid backing out on to Harding.



MEMORANDUM

To: Planning and Zoning Board
Thru: Michael Crotty, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Town Attorney
Date: January 30, 2014
Re: 9530 Harding Avenue – Storefront Renovation

The property is located at 9530 Harding Avenue, within the SD-B40 zoning district. The applicant, Dr. David Carmona, is requesting to renovate the front and rear of his new veterinary clinic. The proposed plan will replace the storefront and doors with new doors, windows and a wood cladding façade. The plan also includes window signage and a channel letter illuminated wall sign. The rear façade will include landscaping and a new stucco wall and gate. The materials will be the same as the proposed materials along the Harding Avenue façade.

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. 90-49.3

Regulated Uses	Permitted	Proposed
Materials and finishes	1) The surface shall be stucco, stone, metal, glass block and accent wood. Materials vernacular or characteristic to other regions including but not limited to flagstone and adobe shall be prohibited. 2) Materials shall be true and genuine, rather than simulated. Multiple storefronts within a larger building shall have consistent material qualities and articulation.	1) Front: The façade will be renovated with a wood cladding/glass finish. 3) Materials are true and genuine. Materials are consistent with neighboring stores.

Sec. 90-71.1

Signs	Permitted	Proposed
Area	25 square feet	Wall Sign area: 13.25 square feet
Approved word content	Signs may include the following: 1) Trade name of establishment 2) Nature of business, services rendered or products sold on premises.	Wall Sign: "Veterinarian" (Nature of business)
Prohibited Word Content	Signs may not include the following: 1) Any reference to price, except as provided in regards to "window sign."	No reference to price



<p>Location</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>Window Signs</p>	<p>Signs of a permanent nature may be applied to the inside or outside surface of a glass window or door or displayed within 12 inches of a glass window or door, provided that they are done in a professional manner, that the lettering does not exceed eight inches in height and that they give only the name of the establishment and the nature of the business. Such signs shall not exceed 20 percent of the area of the glass window or door in which they are displayed.</p>	<p>A window sign proposed with the business name, "Veterinary Wellness Center of Surfside." The proposed sign is 19.8% of the window area.</p>
<p>Lettering on awnings</p>	<p>Lettering on awnings. Lettering shall be prohibited on awnings, canopies or valances projecting over a dedicated street or sidewalk; except that the side, perpendicular to the street, may bear the trade name of the establishment in letters not higher than five inches. Where an existing awning, canopy or valance is being replaced or recovered or substantially repaired, a permit is required from the town, and the awning, canopy or valance must conform to this Section.</p>	<p>No awnings are proposed.</p>



<p>Rear wall sign</p>	<p>A rear wall sign is limited to 25 square feet</p>	<p>The proposed sign is 6.32 square feet. It is a non-illuminated sign.</p>
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RECOMENDATION

Staff recommends approval with the following condition:

1. The blue lettering on the wall signs and the blue on the window sign shall be the same color.



MEMORANDUM

To: Planning and Zoning Board
 Thru: Michael Crotty, Town Manager
 From: Sarah Sinatra Gould, AICP, Town Planner
 CC: Linda Miller, Town Attorney
 Date: January 30, 2014
 Re: 9472 Harding Avenue

The property is located at 9472 Harding Avenue, within the SD-B40 zoning district. The applicant is requesting to replace two existing straight awnings for two new yellow scalloped awnings. The restaurant is Tiberio.

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

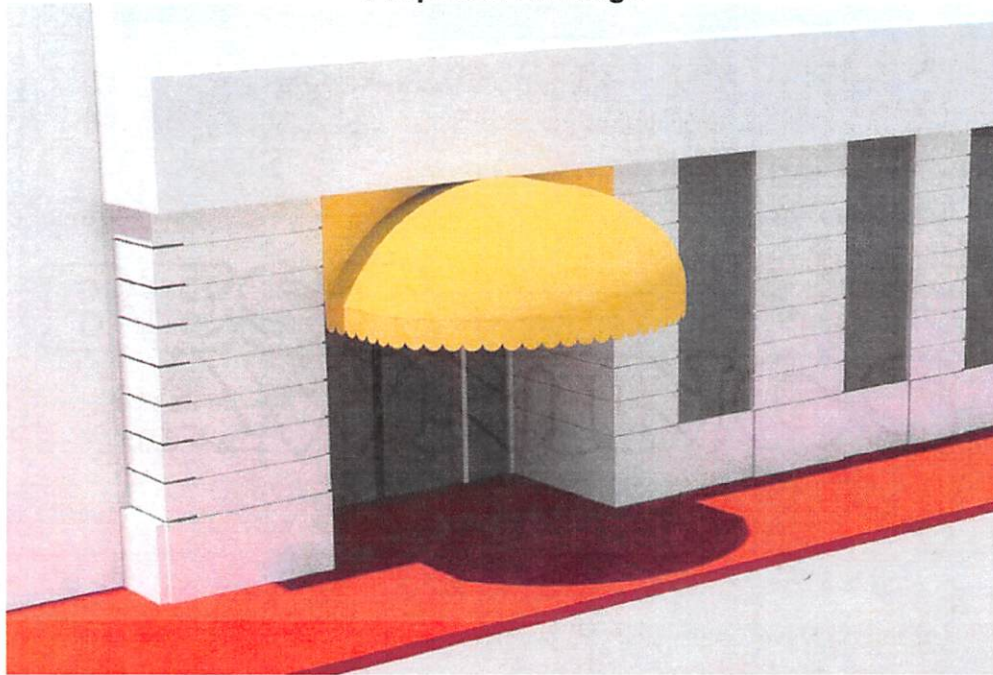
- Existing and proposed awning
- Applicable Zoning Code regulations, along with the results of the review
- Staff Recommendation

Existing Awnings





Proposed Awnings



STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90.2 Definitions

Definition	Permitted	Proposed
Awning	A detachable, roof like cloth cover, supported from the walls of a building for protection from the sun or weather	Cloth cover for existing structure that is supported from the walls of the building.

Sec. 90-49.2 Awnings and canopies.

a. Location/placement

Permitted	Proposed
Awnings and canopies shall have consistent height and depth subject to the size of the wall opening which, the awning or canopy is affixed.	Awning height and depth are consistent with wall opening.
Awnings and canopies shall remain consistent with architectural details and proportions	Awnings are not consistent with architectural details and not harmonious



harmonious with the overall building design and historic context.	with the overall building design.
Awnings and canopies shall be consistent on multiple storefronts within a larger building.	Proposed awnings are dome shaped while existing storefront awnings on the building are straight in shape.
After 25 feet in length, an awning or canopy shall have either a break of a minimum of six inches or articulation of the awning or canopy.	N/A The proposed awnings are 10 feet in length.
Awnings shall be attached to the building facades and shall not be supported by vertical elements within the right-of-way.	Awnings are attached to the building facade and are not supported by vertical elements within the right-of-way.
Awnings shall have a pedestrian scale and be placed so as to provide weather protection.	Awnings have a pedestrian scale and provide weather protection.
Awnings shall be an enhancement to the building facade and shall be proportional with and complimentary to nearby buildings and awnings.	Proposed awnings are not consistent with the building design.
Awnings shall be mounted in locations that respect the design of the building and do not obscure ornamental features over storefronts (i.e. rooflines, arches, materials, banding).	Proposed location of awnings do not obscure ornamental features over storefronts.
Awnings shall project a minimum of three feet and a maximum six feet over the sidewalk, not to exceed the width of the sidewalk.	Proposed awnings project six feet over the sidewalk and do not exceed the width of the sidewalk.

b. Appearance

Permitted	Proposed
Awnings shall be fabric or metal. Plastic and vinyl awnings are prohibited, except for First Grade vinyl awnings, subject to approval by the design review board.	Canvas.
Awnings shall be solid colors rather than patterned.	Proposed awnings are a solid yellow color.
If an awning valance is proposed, it shall be straight rather than curved, except for special architectural elements to be compatible with historic building styles.	Awning valance is curved and is not compatible with the building style.
Awning colors shall enhance and complement the building and adjacent awnings, rather than	Existing building is white and surrounding awnings vary in color.

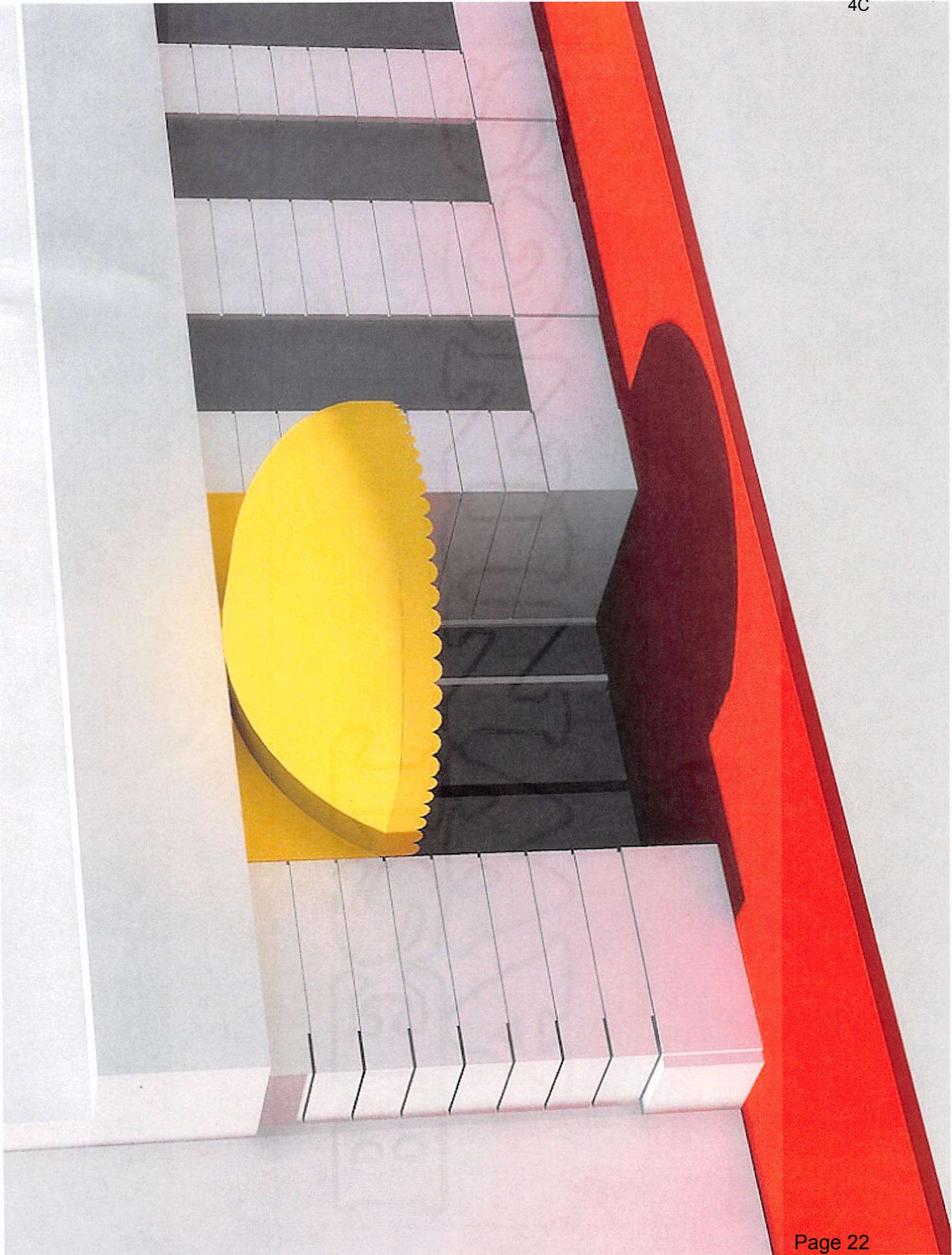


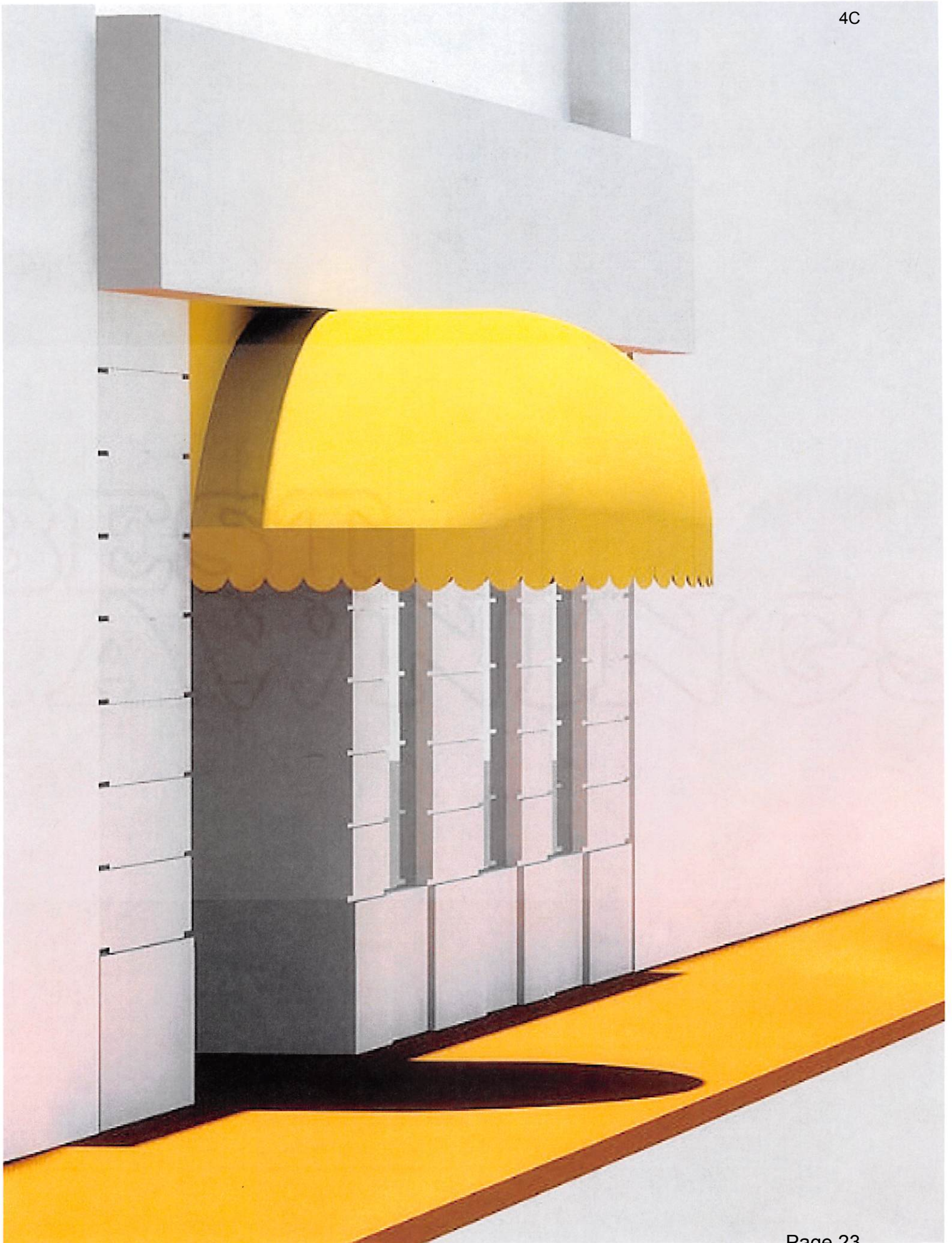
<p>overwhelm the building scheme. Colors shall not call more attention to the awning than the building.</p>	<p>Proposed awning is yellow which appears to overwhelm the building scheme.</p>
<p>Lighting associated with awnings and canopies shall be prohibited, except lighting approved by the design review board which is attached underneath the awning and intended to provide pedestrian lighting.</p>	<p>No lighting is proposed.</p>

RECOMMENDATION

Staff recommends denial due to the following requirements:

1. Awnings shall be harmonious with the overall building design.
2. Awning valance shall be straight rather than curved.







MEMORANDUM

To: Planning and Zoning Board
Thru: Michael Crotty, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Town Attorney
Date: January 30, 2014
Re: 9445 Harding Avenue

The property is located at 9445 Harding Avenue, within the SD-B40 zoning district. The applicant is requesting to replace an existing retractable awning for two new brown/rust colored retractable awnings. The business is Ilonka Schwartz M.D.

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. 90.2 Definitions

Definition	Permitted	Proposed
Awning	A detachable, roof like cloth cover, supported from the walls of a building for protection from the sun or weather	Cloth cover for existing structure that is supported from the walls of the building.

Sec. 90-49.2 Awnings and canopies.

a. Location/placement

Permitted	Proposed
Awnings and canopies shall have consistent height and depth subject to the size of the wall opening which, the awning or canopy is affixed.	Awning height and depth are consistent with wall opening.
Awnings and canopies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context.	Awnings are consistent with architectural details and are harmonious with the overall building design.
Awnings and canopies shall be consistent on multiple storefronts within a larger building.	Proposed awnings are consistent.



After 25 feet in length, an awning or canopy shall have either a break of a minimum of six inches or articulation of the awning or canopy.	Two awnings are proposed – 20 feet in length and 27 feet in length. There are at least six inches between awnings
Awnings shall be attached to the building facades and shall not be supported by vertical elements within the right-of-way.	Awnings are attached to the building facade and are not supported by vertical elements within the right-of-way.
Awnings shall have a pedestrian scale and be placed so as to provide weather protection.	Awnings have a pedestrian scale and provide weather protection.
Awnings shall be an enhancement to the building facade and shall be proportional with and complimentary to nearby buildings and awnings.	Proposed awnings are proportional with nearby buildings and awnings.
Awnings shall be mounted in locations that respect the design of the building and do not obscure ornamental features over storefronts (i.e. rooflines, arches, materials, banding).	Proposed location of awnings do not obscure ornamental features over storefronts.
Awnings shall project a minimum of three feet and a maximum six feet over the sidewalk, not to exceed the width of the sidewalk.	Proposed awnings project five feet over the sidewalk and do not exceed the width of the sidewalk.

b. Appearance

Permitted	Proposed
Awnings shall be fabric or metal. Plastic and vinyl awnings are prohibited, except for First Grade vinyl awnings, subject to approval by the design review board.	Fabric.
Awnings shall be solid colors rather than patterned.	Proposed awnings are a brown/rust color.
If an awning valance is proposed, it shall be straight rather than curved, except for special architectural elements to be compatible with historic building styles.	Awning valance is straight.
Awning colors shall enhance and complement the building and adjacent awnings, rather than overwhelm the building scheme. Colors shall not call more attention to the awning than the building.	Existing building is white and surrounding awnings vary in color. Proposed awning is a brown/rust color.
Lighting associated with awnings and canopies shall be prohibited, except lighting approved by the design review board which is attached	No lighting is proposed.



underneath the awning and intended to provide pedestrian lighting.	
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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, Town Attorney
 Date: January 30, 2014
 Re: 9380 Collins Avenue, Building Remodel

The property is Chateau Ocean Residence Sales Center. It is located at 9380 Collins Avenue is within the H40 zoning district. The applicant is requesting to remodel the existing building elevations, including the graphic printed screen with support structure, aluminum/glass storefront and wall system, and a concrete canopy. The applicant is also proposing landscape improvements.

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

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

East Elevation





North Elevation



Town of Surfside Design Guidelines, Applicable Requirements

Sec. 90-43. Maximum building heights.

Required	Proposed
40 Feet	20 feet 2 inches (east and north elevations) 25 feet (west elevation)

Sec. 90-71.2. Permanent signs by district.

Signs	Permitted	Proposed
Area	The total area of exterior signs for any building shall be limited to one square foot for each running foot of frontage of the lot or portion of lot upon which the operating enterprise is located. In no case, however shall the total sign area for any operating enterprise exceed 150 square feet. 95 feet 5 inches is permitted.	49 square feet for the east elevation. 80.25 square feet for the north elevation.
Area	Such signs shall be attached to the main facade of the building or to a canopy covering the main entrance to the building and shall not project	Sign attached to the main façade of building.



	into the required front yard for a distance of more than two feet, or shall be erected on a metal pole or reinforced concrete post, provided that no part of such sign shall project over a dedicated street or sidewalk.	
Approved word content	Signs may include the following: 1) Trade name of establishment 2) Nature of business, services rendered or products sold on premises.	“CH” (Initials of business) –East Elevation “Chateau Ocean Residences” (Name of Establishment) – North Elevation
Prohibited Word Content	Signs may not include the following: 1) Any reference to price, except as provided in regards to “window sign.”	No reference to price.
Location	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.	Signs do not project over the sidewalk or street.

RECOMMENDATION

Staff recommends approval.

ITEM	OUTCOME	NEXT STEPS	IN CONTRACT OR WORK AUTHORIZATION	TENTATIVE SCHEDULE	COMPLETE
General Code Modifications					
a. Commercial waste and recycling container screening	Screening for containers, green screen, vegetation, include pictures from Commissioner Kligman	Draft code amendment	In contract	February PZ	Draft Complete for Review by PZ
b. parking space standards	Modify multi-family rates based on number of bedrooms and provide for guest parking, look at other cities (Coral Gables), require parking for hotel employees, no change to size of spaces, pumps in underground garages	Draft code amendment	In contract	April PZ	
c. cargo container regulations	Prohibit cargo containers in the business district	Draft code amendment	In contract	April PZ	
d. driveway material regulations	Modify code to allow stamped concrete and concrete slabs with decorative rock or grass in between	Draft code amendment	In contract	November PZ	Draft Complete. Commission will review in March
e. garage door clarification	Modify code to remove requirement for two separate garage doors	Draft code amendment	In contract	November PZ	Commission will hear on second reading in February
f. satellite dishes	Further review by staff	Research and prepare report for discussion and possible code amendment	In contract	March PZ	
g. pyramiding effects of setbacks in the	No action necessary since Planning and Zoning Board currently			N/A	

H120 district	reviewing stepbacks as part of wall frontage modifications					
Sustainability Modifications						
a. residential or commercial wind turbine regulations	Prepare ordinance regulating wind turbines including hurricane precautions, noise regulations, insurance considerations	Draft code amendment	In contract	March PZ		
b. solar panel regulations	Prepare ordinance regulating solar panels	Draft code amendment	In contract	February PZ		
c. Car charging station regulations	Prepare ordinance regulating car charging stations requiring them in new multi family, research what other communities are doing	Draft code amendment	In contract	December PZ	Commission will hear first reading in February or March	
Building Code Clarification						
a. as built reviews for residential projects	Discuss increasing canopy in town, street trees, what can be planted in ROW	Research and prepare report for discussion and possible code amendment	In contract	March PZ		
b. interpretation of base flood elevation for the H120 district	No change	No further action needed		N/A		
Density	Amend comp plan to specify net as the density calculator; prohibit including ROW in density calculation when there is unity of title; research effects of utilizing net vs. gross for density calculations	Data and analysis and preparation of comprehensive plan amendment	Work Authorization	Schedule determined after Commission direction		

Floor Area Ratio	Create new zoning criteria in H30 and H40 to include minimum open space requirements and mid block accessibility and walkways	Data and analysis, preparation of graphics	Work Authorization	Schedule determined after Commission direction	
Expansion of the business district one block south	Manager to prepare analysis of public/private partnerships and financing alternatives	Place on future Planning and Zoning agenda for discussion	If a land use and zoning change are implemented, a Work Authorization will be required	Schedule determined after Commission direction	
Sign/awning code	Discussed at Joint Meeting	Staff beginning to work on draft	Work Authorization - approved	Preparing schedule for Town Manager to review	
Additional Requests from Planning & Zoning after the Joint Meeting					
Green walls	Require green walls adjacent to alleys and other buildings that about public right of ways	Research and prepare report for discussion and possible code amendment	In contract	April PZ	
Downtown Color Palette	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate and what colors/criteria should be included	Place on future Planning and Zoning agenda for discussion	In contract	December PZ	DVAC to study and is on the January agenda
Bay Drive & 96th Street	Open Bay Drive off 96 th Street	Staff will research	Police and Building to research	No change	Police Chief cited safety concerns
Paint Colors	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate for single family homes and what	Place on future Planning and Zoning agenda for discussion	In contract	April PZ	

	colors/criteria should be included			
Turtle Lighting	Town Staff to prepare review	No ordinance necessary. Turtle lighting already required in code.		
Painting of commercial structures	Town Staff to prepare ordinance	Prepare ordinance for commission	Building to prepare ordinance	April Commission

*The schedule is subject to change due to the scheduling of items that will be scheduled after Town Commission direction.

Memorandum

To: The Planning & Zoning Board
Date: 1/24/2014
Re: Authorizing a Business Improvement District
From: Duncan Tavares, TEDACS Director

Dear Board Members,

Attached you will find an Ordinance and accompanying support documents original presented to the Town Commission on January 14, 2014. This represents a first step for advancing the authorization of a Business Improvement District (BID) for Surfside. It was unanimously approved by the Town Commission on first reading at said meeting.

After a year of outreach and meetings on a possible BID for Harding Avenue between 96th and 94th Streets, the Town is at the threshold on whether or not it wants to proceed with the formalized establishment of such a district.

This Ordinance comes before you as the local planning agency, required in the Florida State Statute Chapters 165 & 166, and is in accordance with the Town's Comprehensive Plan. It is the first ordinance in a series of required legislation and acts as a foundation from which the Town could authorize a business improvement district. The subsequent required legislation will be before the Town Commission on February 11, 2014 to be vetted and voted on at that time.

The Town Administration is recommending your endorsement to return this to the Town Commission for ratification upon second reading at their meeting on February 11, 2014.


TEDACS Director


Town Manager



ORDINANCE NO. 14-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AUTHORIZING THE CREATION OF A SPECIAL OR BUSINESS NEIGHBORHOOD IMPROVEMENT DISTRICT BY THE ENACTMENT OF A SEPARATE ORDINANCE FOR EACH; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AUTHORIZATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2(b), Florida Constitution and Chapters 165 and 166, Florida Statutes; Chapters 170 and 197, Florida Statutes, the Town Commission has all powers of local self-government to perform municipal functions and to render municipal services in a manner consistent with the law and such powers may be exercised in accordance with the Town of Surfside Charter and Code of Ordinances; and

WHEREAS, Section 163.511 Florida Statutes specifically authorizes the creation of a special or business neighborhood improvement district after a local planning ordinance has been adopted; and

WHEREAS, Chapter 170 of the Florida Statutes provides that a municipality may levy and collect special assessments against property benefited for the purpose of stabilizing and improving retail business districts through promotion, management, marketing, and other similar services in such districts of the municipality; and

WHEREAS, the Town Commission held its first public hearing on January 14, 2014; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on January 30, 2014 and recommended for consideration for approval and also found the proposed ordinance to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on this proposed ordinance as required by law on February 11, 2014.

NOW, THEREFORE, BE IT ORDAINED BY 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. **Authorization of the Creation of a Special or Business Neighborhood Improvement District.**

- 1) The Town Commission hereby declares the need for special neighborhood or a retail business improvement district, and authorizes the creation of such districts by separate ordinance for each district, which ordinance:

- a. Conditions the implementation of the ordinance on the approval of a referendum as provided in Section 163.511 (2) Florida Statutes.
 - b. Authorizes the special or business neighborhood improvement district to levy an ad valorem tax on real and personal property of up to 2 mills annually.
 - c. Authorizes the use of special assessments to support planning and implementation of district improvements pursuant to the provisions of Section 163.514(16) Florida including community policing innovations.
 - d. Specifies the boundaries, size, and name of the district.
 - e. Authorizes the district to receive a planning grant.
 - f. Provides the appointment of a minimum 3-member board of directors for the district.
 - g. Authorizes a special or business neighborhood improvement district to exercise the power of eminent domain pursuant to Chapters 73 and 74, Florida Statutes. Any property identified for eminent domain by the district shall be subject to approval of the Town Commission before eminent domain procedures are exercised.
 - h. May prohibit the use of any district power authorized by Section 163.514 Florida Statutes.
 - i. Requires the district to notify the Department of Legal Affairs and the Department of Community Affairs, in writing, of its establishment within 30 days thereof pursuant to Section 163.5055 Florida Statutes.
 - j. May authorize a special neighborhood improvement district to develop and implement community policing innovations in consultation with the Town of Surfside Police Department.
- 2) A referendum to implement a special or business neighborhood improvement district as provided for hereinabove shall be held within 120 days after the occurrence of one of the following:
- a. The Town Commission, by the enactment of a separate ordinance, declares that there is a need for a special or business neighborhood improvement district to function within a proposed area; or
 - b. A petition containing the signatures of 40% of the electors of a proposed special or business neighborhood improvement district area or 20% of the property owners of a proposed special business neighborhood improvement district area is presented to the Town Commission. The petition shall define the proposed the area and shall state that it is for the purpose of calling a referendum to determine whether a special or business neighborhood improvement district should be created in such proposed 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 immediately upon adoption on second reading.

Daniel Dietch, Mayor

Attest:

Sandra Novoa, Town Clerk

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


Linda Miller, Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

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



**Town of Surfside
Commission Communication**

Agenda Item # 4B2

Agenda Date: January 14, 2014

Subject: Business Improvement District (BID) Authorization

Background: A BID is a public / private partnership in which property and business owners elect to make a collective contribution to the maintenance, development and promotion of their commercial district beyond the basic level of service already delivered by the Town. There are several advantages that result from stakeholders in a commercial district aligning themselves to improve the area. These include a cleaner, safer and more attractive business district, a steady and reliable funding source for supplemental services and programs, and the ability to respond quickly to changing needs of the business community. BIDs can stabilize and improve conditions for existing businesses as well as become an asset when attracting new businesses to fill vacancies. A fund to market special events and sales promotion will also help lower advertising costs, improve sales and decrease commercial vacancy rates.

Since the Town Commission authorized the BID process at the December 11, 2012 meeting, the following have been accomplished by consultant Redevelopment Management Associates (RMA) and the TEDACS Director:

- 1) Established ownership and consensus amongst commercial property owners regarding improvements, programs, services, and management of the BID. The most important task was the foundation of a consensus regarding the programs, budgets, and methods of assessment to achieve the objectives of the BID. This was primarily achieved through one-on-one and small group discussions to create a core mission for the new BID.
- 2) Identified, in cooperation with the Town, the geographical boundaries of the BID. Property ownership information was gathered, amalgamated and analyzed.
- 3) Formed, in cooperation with the stakeholders, a proposed budget and identified the allocation formula for property assessments in collaboration with the Town.
- 4) Presented the district plan in public meetings.

- 5) Prepared the property owners and the merchants for the formal establishment process of the BID pursuant to Florida Law.

Supporting documents as Attachment A.

At the November 12, 2012 Town Commission Meeting, staff were directed to conduct a Straw Vote in an effort to definitively determine support for a BID by the downtown property owners. Due to the ownership of properties downtown, 24 votes are needed for a majority (51%) to support a BID. The following is an outline of the ensuing process:

- Week of Nov 18: Finalized Straw Ballot Document (Attachment B) and Summary of the BID for dissemination. Preliminary outreach conducted.
- Week of Nov 25: Continued preliminary outreach.
- Week of Dec 2: Outreach by the Mayor, Commissioner Kligman and Town Manager to Property Owners. RMA and the TEDACS Director outreach to all business operators.
- Week of Dec 9 – week of December 30: Conduct Straw Ballot and follow-up.

The Mayor and Commissioner Kligman assisted the Town Manager, RMA and the TEDACS Director with outreach to the property owners via letters (Attachment C), emails and phone calls.

To date 17 votes by property owners have committed support for a BID formation. The remaining 7 votes needed to make a majority are held by 4 property owners who have been intimately involved in the process but have yet to respond to the outreach on the straw vote but have supported the BID in past meetings. There are still 9 votes, held by 6 "more absentee" property owners who have yet to respond and 13 votes of property owners that have been impossible to reach.

Analysis:

While it is RMA's and the Town Administration's view that there is a majority of support for the BID by both property owners and business operators, motivating the property owners to take the time to even complete a straw vote ballot was a challenge. There is a sense of disillusionment with the Town and our processes based on history, experience and perception that is extremely difficult to overcome. Much of the resentment to the Town still hangs on the issue of parking even with the Town Commission promise to address this problem once receiving the Town Manager's recommendation in April. There may even be a degree of hubris on the part of some of the property owners as the turn in the economy has brought investors knocking on their doors. A BID would serve to support the existing businesses on Harding Avenue and there may be some property owners who no longer share that view now that their properties seem highly desirable.

It is also important to note that since the authorization of the BID process, the downtown property and business operators are also experiencing "meeting fatigue". The BID process timeline was conducted during the same period as outreach on the Tourism

Five Year Plan, streetscape initiative and parking issues. This presents the Town with an interesting paradox as the meetings were necessary informational tools and viewed as a benefit to garner consensus within the fractured downtown establishment.

Moving the BID process forward will require more of the one on one outreach that is synonymous with any initiative undertaken downtown. Ironically an established BID inherently alleviates this challenge that the Town constantly battles.

Presented with this memorandum is the first step in the formal process for establishing a BID. This legislation enables the process to continue. The actual creation of a BID requires subsequent action by the Town Commission and is earmarked for the February 2014 meeting. This complicated procedural process is as follows:

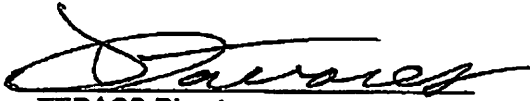
- 1) The attached local planning ordinance subsequently allows for the authorization of a BID in a subsequent ordinance. As an enabling legislation, this is the first step in the statutorily prescribed process for the creation of a specific district and levying an assessment for the created district. All other required associated legislation will subsequently come before the Town Commission.
- 2) Enacting this enabling ordinance moves the process to the Planning and Zoning Board for review in January and returns to the Town Commission for 2nd reading in February 2014.
- 3) The second step in the process is passing a second ordinance declaring a need for a specific BID and creating the actual district – again, set for February. This ordinance will enact the creation of the specific BID on a referendum approval of affected property owners (those property owners in the proposed district,) specify the boundaries, and name the proposed district, etc.
- 4) Upon the enactment of this second ordinance creating the actual district, the third step is a referendum which must be held within 120 days. Within 5 days of the close of voting for the referendum the Town Clerk shall present the results to the Town Commission. Within 30 days of the approval of the BID the Town Commission shall appoint a Board of Directors for staggered 3-year terms.
- 5) This third step is done concurrently with the passage of the second ordinance. The Town Commission shall also pass a Resolution notifying the affected property owners of the intent to assess a special assessment and authorizing the Town Administration to prepare a preliminary assessment roll. Upon the passage of this Resolution, the Town Clerk shall have on file an assessment plat of the proposed area with plans and specifications as well as an estimate of the associated assessments.
- 6) Once the preliminary assessment roll is completed, the Town Commission shall also adopt a second resolution fixing a time and place for the special assessment to be heard based on the results of the election. This can be when the results of the referendum are revealed to the Town Commission.
- 7) Upon an affirmative majority vote of the affected property owners, the BID is then created.

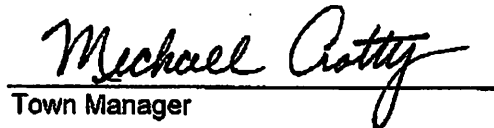
It must be reiterated that by authorizing a BID, the Town Commission and Administration still ultimately govern the district and still maintain authority. The BID provides the basis for an ongoing relationship and partnership that would address the present dysfunctional process.

Budget Impact: The special assessment, and taxes generated, will come from the property owners and will be used for such aforementioned programs by the BID with no cost to the resident taxpayer or use of ad valorem taxes.

Staff Impact: Existing staff will coordinate the remaining BID process and vote at no additional cost. If a BID is approved, the BID Board would include a Commissioner Liaison and an existing Town Staff member.

Recommendation: The Town Administration, along with DVAC and the Tourist Board, support moving the BID initiative through this first formal requirement. Please note that this ordinance does not establish the BID but formally enables the Town Commission to address in February the BID establishment that includes a referendum, district boundaries, procedures, Board membership, etc


TEDACS Director


Town Manager

ATTACHMENT A

DOWNTOWN SURFSIDE BUSINESS IMPROVEMENT DISTRICT



Organizational Plan

Town of Surfside, Florida

September 30, 2013

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1. Introduction

In January 2013, the Town of Surfside began work with Redevelopment Management Associates (RMA) to create a plan for organizing a Business Improvement District (BID) for Downtown Surfside.

The scope of the project included:

- 1. Build ownership and consensus amongst commercial property owners regarding improvements, programs, services, and management of the BID.**
- 2. Establish, in cooperation with the Downtown Vision Action Committee (DVAC), the geographical boundaries of the BID.**
- 3. Establish, in cooperation with DVAC, a proposed budget and determine the formula for property assessments.**
- 4. Present the district plan in public meetings.**
- 5. Prepare the property owners and the merchants for the formal establishment of the BID pursuant to Florida Law.**

The recommendations that follow comprise the BID Plan for the purpose of documentation required for Town Commission approval. These recommendations reflect RMA's belief that forming a BID to benefit the commercial district along Harding Avenue would be the most fair and effective mechanism for providing ongoing stakeholder participation and a source of funding for future improvement programs.

2. History of the Initiative

During the Commission Meeting on January 18, 2011 the Surfside Town Commission created the Downtown Vision Advisory Committee (DVAC). Since its inception, DVAC has proven to be an effective advisory organization through a process that has included actionable items at every meeting, including the following projects, initiatives and topics of discussion:

- Downtown Code Enforcement**
- Parking Lot Improvement/Landscaping**
- Vacant Windows Ordinance**

- **News Racks Ordinance**
- **Awnings Ordinance**
- **Upgrading Alleys**
- **Wayfarer Signage Program**
- **Branding**
- **Facade Upgrading Program**
- **Parking Structure Feasibility Study**
- **The Current Forty Foot Height Allowance and Amalgamation of Properties**
- **Development of an East West Corridor on 95th Street from Abbott Avenue to the Beach**
- **Rebuilding of Harding Avenue Sidewalks**
- **Sidewalk Cafe Ordinance and FDOT Agreement**
- **Miami-Dade "Mom & Pop" Grants**
- **Signage Ordinance**
- **Moratorium Ordinance**
- **Business Improvement District (BID)**

As a direct result from the enacting of the Moratorium Ordinance in April 2011, sixteen property owners, a number from the same family trust, representing a majority of Downtown properties, met with the Town Manager and Town Staff. Property owners supported Downtown Vision Initiatives, including formation of a BID, and requested that the Moratorium Ordinance be rescinded.

The Planning & Zoning Board approved the rescinding of the ordinance and endorsed all of the vision initiatives in May 2011. The Town Commission subsequently voted in July 2011 to rescind the moratorium and to accept the vision initiatives as a blueprint on condition that each initiative is brought to the Commission for full vetting.

The basic premise of a BID is that the Town agrees to continue to provide a base level of service and that enhanced services, such as extra police protection for expanded special events, maintenance for specialty landscaping, downtown marketing programs, cleaning after special events, and the retention of consultants to secure tenants, are funded with a self-imposed assessment on the property owners.

Use of these funds could be governed by the Board of Directors of a new not-for profit organization created to oversee the BID. The process for establishing the District and ensuring that funds are collected and properly spent would be governed by Florida Statutes, Chapter 170 and by an agreement between the new not-for profit organization and the Town of Surfside.

3. Benefits of a BID for Downtown Surfside

The proposed Business Improvement District (BID) could focus on improving the commercial district along Harding Avenue by acting as an advocate for Downtown Surfside, promoting a new image for the district, and establishing an annual marketing program in order to compete with other South Florida shopping and dining destinations. The BID would represent the interests of both property and business owners and provide an ongoing, dedicated source of revenue to support BID programs.

Objectives of the proposed Business Improvement District (BID):

- *To identify and implement organization strategies to advocate for Downtown Surfside issues including parking, urban design/image, and zoning/permitted uses.*
- *To identify and implement marketing strategies to promote and market Downtown Surfside as a unique, historic destination for dining, shopping, and recreation to Surfside/South Florida residents and visitors to the area.*
- *To establish benchmarks for measurement of success.*

4. Proposed BID Programs

A Downtown Surfside BID could accomplish these objectives by developing strategies to improve the Downtown area, through advocacy and image-based marketing:

Advocacy Strategies – Downtown Issues

- **Parking – encourage the Town to implement “user friendly” parking solutions and explore further the need to create additional parking spaces in the Downtown area, including the possibility of new parking structures.**
- **Future Streetscape Improvements – work with the Town to identify future opportunities for streetscape improvements, including:**
 - **development of an East West Corridor on 95th Street from Abbott Avenue to the beach**
 - **upgrading alleys**
- **Facade Improvements – encourage property and business owners to improve facades and awnings through Miami-Dade “Mom & Pop” Grants and any future funding sources.**
- **Downtown Code Enforcement – encourage property and business owners to work with the Town to identify priority code enforcement issues and effective strategies for improvement.**
- **Zoning – encourage a comprehensive review of zoning code to ensure that commercial zoning is most conducive to increasing business and creating the best business mix.**

Image-Based Marketing Strategies

- **Build upon the approved Town of Surfside 5-Year Strategic Tourism Plan.**
- **Identify a “brand” for Downtown Surfside.**
- **Promote image/brand through website(s), social media, public relations, and advertising.**

The benefits of a BID are that it could provide a mechanism for implementation of these activities and an ongoing source of funding. The activities of the BID would supplement, and would not replace, any activities currently undertaken or funded by the Town of Surfside.

Proven success of image-based improvement initiatives can be seen in BID districts throughout the nation as well as in the state of Florida, such as the BIDs in Coral Gables (www.shopcoralgables.com) and Naples (www.fifthavenuesouth.com).

5. Proposed Budget

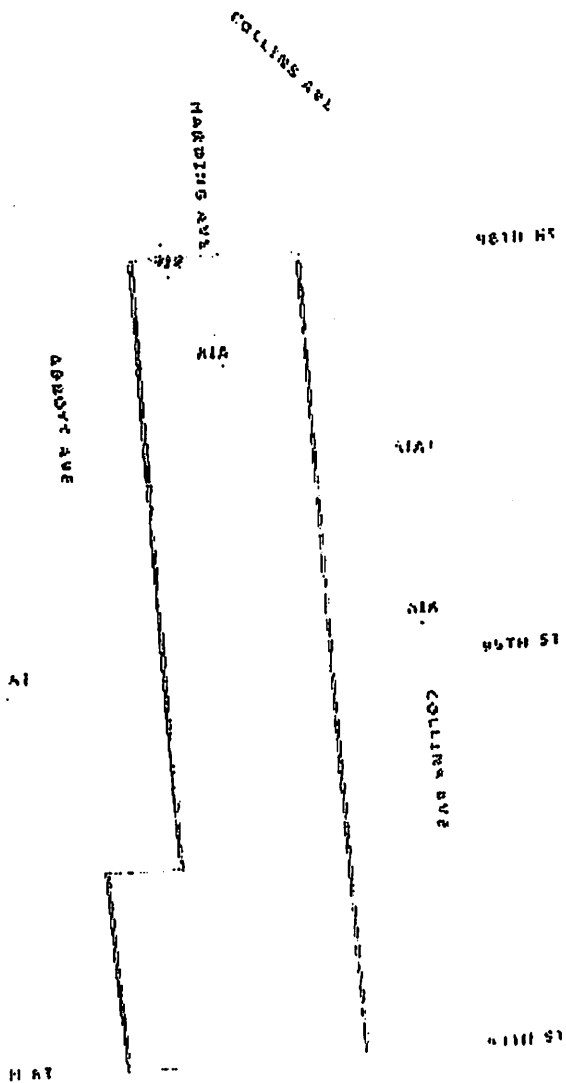
A first year budget for the BID might contain the following components, although a final budget would be created by the BID once it had been formed:

Advocacy Coordination / BID Support	\$ 30,000
Image/Marketing	\$ 30,000
Events support	\$ 15,000
Reserve/Contingency	\$ 5,000
TOTAL	\$80,000

6. Proposed BID Boundaries

Commercial properties along Harding and Collins Avenues between 93rd Street and 96th Street were analyzed for inclusion in a possible Business Improvement District for Downtown Surfside. Using a standard of "similar benefit" from possible BID programs, RMA is recommending the BID boundaries include those commercial properties fronting Harding Avenue between 94th and 96th Streets.

This district comprises the area generally described as Downtown Surfside and contains retail, restaurant and other small businesses that serve the Surfside/South Florida markets and visitors to the area.



During meetings with property owners, there was discussion regarding possible inclusion of the Collins Avenue area of Surfside adjacent and to the east of to Downtown businesses. RMA recommends that initial efforts for the BID discussion focus on the commercial district along Harding Avenue, and that if a Business Improvement District is created, opportunities for Collins Avenue hotels to 'opt-in' to BID initiatives be encouraged where appropriate.

7. Organizing the Business Improvement District

Chapter 170, Florida Statutes, provides that a municipality, subject to the approval of a majority of the affected property owners, may levy and collect special assessments against property benefited in a retail business district for the purposes of stabilizing and improving such district through promotion, management, marketing, and other similar services in such districts.

Creating a BID

Creation of a BID would require actions approved by the Surfside Town Commission. These actions include:

- **Resolution of the Town Commission – This resolution would include the proposed cost of improvements, required public and property owner notice, location of the retail district to be improved, the expense to be paid by special assessments, and when assessments are to be paid.**
- **Vote of the property owners – Following approval of the resolution by Town Commission, property owners of affected properties would vote on creation of the BID. To apply the assessment, there would need to be a majority (50 percent plus one) of property owners approving the BID. Property owners that do not vote would be considered a “no” vote.**
- **Public Hearing/Equalizing Board – Upon the approval of the BID by the property owners, the Town Commission would hold a final public hearing, which would include an equalization hearing to consider complaints as to the special assessments.**

Assessment/Budget

A BID is a special assessment district. The BID assessment would be collected as part of the property tax bill. Assessments might be based upon:

- **assessed value of parcels**
- **parcel area**
- **building square footage**
- **other potential factors**

For Downtown Surfside properties, information is available from the Miami-Dade County Property Appraisers office, including assessed value, lot square footage, and total building square footage. An assessment based on assessed value is recommended. Property values have remained stable since 2011, increasing slightly. Each 1-mil assessment would result in approximately \$43,000 annually for the BID.

To achieve the ~\$80,000 budget for programs described above, a 1.5-mil assessment could be levied to create approximately \$65,000. A source of funding for the additional \$15,000 would need to be identified, possibly through events grants.

The resulting Surfside BID would be a small district and create a relatively small annual assessment. For comparison purposes, the last annual assessment for the Coral Gables BID was approximately \$819,000.

Governance

A Board of Directors of a new not-for-profit organization would manage the BID. According to discussions to date, an example of the composition of a BID Board of Directors might include 9 voting members:

- **five (5) property owners subject to assessment within the district**
- **three (3) business owners from within the district**
- **one (1) resident liaison**
- **two (2) liaisons from the Town of Surfside (non-voting)**

Except for the Town liaison, members could serve staggered three-year terms.

Timeframe

RMA recommends the Downtown Surfside BID assessment be proposed for an initial period of five years and be extended for an additional period of five years upon approval of the Town Commission. However, upon receipt of a petition executed by affected property owners representing in excess of fifty percent (50%) of the most recent assessment roll, the Commission may elect to abolish the District.

Key to consideration of extension to the district would be successful implementation of the advocacy, marketing and other BID programs.

DOWNTOWN SURFIDE - PROPERTY/BUSINESS DATABASE

FOUO #	PROPERTY ADDRESS	OWNER	Assessed Value '99	BID @ 1.5-rs	Business Address(es)	Business
14-2235-007-0840	9500 HARDING AVE	SOUTH FLORIDA HOLDINGS INC	\$984,828	\$1,254,000	9500 Harding	Chifé Restaurant
					9504 Harding	Curaxed Barber Shop
					9508 Harding	Estelle Stern Realty, Inc.
14-2235-007-0860	9516 HARDING AVE	SOUTH FLORIDA HOLDINGS INC	\$995,828	\$1,490,740	9516 Harding	Hanigan's Seafood Bar & Grill
14-2235-007-0870	9520 HARDING AVE	INFINITY HARDING LLC	\$425,998	\$644,910	9520 Harding	Volpe Travel
					9520 Harding	Liborio Cigars & Tobacco
					9520 Harding	Moon Over Miami
					9520 Harding	Verdell's / Mario The Tailor
					9520 Harding	Willy's Tailoring
14-2235-007-0880	9524 HARDING AVE	THE HELEN P STEVENS FAMILY LTD	\$784,944	\$1,176,810	9524 Harding	Florida Community Bank
					9528 Harding	Dr. Gary Carson
14-2235-007-0890	9534 HARDING AVE	KEY REALTY LLC	\$418,908	\$623,860	9530 Harding	Vacant
					9532 Harding	Lupe's Alterations
					9532 Harding	Penny's Alterations
14-2235-007-0910	9538 HARDING AVE	DONALD J KAHN & W LOURDES C	\$711,938	\$1,057,910	9538 Harding	Subway
					9540 Harding	Miami Evening Dresses
					9540 Harding	Hair 2000
14-2235-007-0920	9540 HARDING AVE	9544 CORPORATION	\$1,577,478	\$2,518,710	9544 Harding	Casa Cliza Café (COR)
					9552 Harding	Gberie Opticians
					9556 Harding	Chico Bank
14-2235-007-0930	9564 HARDING AVE	NEW YORK COMMUNITY BANK	\$5,288,000	\$7,927,500	9560 Harding	FullBooks
					9584 Harding	Signature
					9578 Harding	CVS Pharmacy
					9582 Harding	Amtrust Bank
					9582 Harding	Young Bread of Bal Harbour
8 Properties			\$ 11,183,172	\$18,702,790		
9501 BLOCK						
14-2235-007-0940	9501 HARDING AVE	9501 PROPERTIES INC	\$994,844	\$1,401,540	9501 Harding	H&B Bank
					9507 Harding	Lucky Seven Gold Buyers
					289-950th Street	B & H Pizza
14-2235-007-0980	9509 HARDING AVE	DONALD J KAHN & W LOURDES	\$365,972	\$548,260	9509 Harding	Harding Realty
14-2235-007-0970	9513 HARDING AVE	ELIZ C JUSTICE & M GREEN TR	\$359,597	\$539,100	9513 Harding	Forever Beauty
					9515 Harding	Petkin Empire Fine Jewelry
14-2235-007-0960	9521 HARDING AVE	KARENETH WINFIELD JONES TRS, MARY ELLEN JONES TRS	\$720,506	\$1,000,000	9517 Harding	Josh's OeJ & Appraisers
					9519 Harding	VACANT (Yogurt Sport)
					9521 Harding	Extension Grocers
					9523 Harding	Rolling Pin Bakery BK (STAR K)
14-2235-007-0950	9525 HARDING AVE	COLSON INVESTMENTS LTD	\$1,539,482	\$2,309,210	9525 Harding	CRUbank
					9531 Harding	Ul'Nised Natural Hair
					9537 Harding	Vacant
14-2235-007-0940	9545 HARDING AVE	SURREIDE REALTY LLC	\$741,622	\$1,112,730	9541 Harding	Road Shoes
					9543 Harding	Oxstar Eye Consultants Inc.
					9543 Harding	Pureset Optical
					9545 Harding	Couture Bridal & Formal
14-2235-007-0920	9553 HARDING AVE	NEXT CENTURY DEVELOPMENT INC	\$1,805,107	\$1,957,660	9551 Harding	Pescosone Restaurants
					9553 Harding	Martin A. Feigenbaum
					9568 Harding	Uve Plates
					9558 Harding	Bistro
14-2235-007-0910	9559 HARDING AVE	LEINWAND PROPERTIES	\$906,500	\$1,358,750	9559 Harding	Metro PCS
					9561 Harding	The Greek Place
					9563 Harding	Formosa Couture & Spa
					9565 Harding	House of Design
					9567 Harding	Let It Wax
14-2235-007-0900	9569 HARDING AVE	PAULINE ROWE JOHNSON	\$414,954	\$677,430	9569 Harding	Rent 1 Sale 1
					9571 Harding	7th Plateau
14-2235-007-0990	9575 HARDING AVE	9441 HARDING AVE LLC	\$873,172	\$959,700	9575 Harding	Koukia Kutsura
14-2235-007-0980	9577 HARDING AVE	STOWE PLAZA LLC	\$549,653	\$819,990	9577 Harding	J V Flowers
14-2235-007-0410	9581 HARDING AVE	SOUTH FLA HOLDINGS IBC	\$422,925	\$634,390	9583 Harding	Sushi Republic
					9585 Harding	M. Kotler Realtors
					9593 Harding	Lace Star
					9595 Harding	Gray and Sons
					9599 Harding	GSB Bank
13 Properties			\$ 9,933,959	\$14,908,840		
			\$ 21,074,131	\$31,611,200		
9500 BLOCK TOTALS			\$ 21,074,131	\$31,611,200		
DISTRICT TOTALS (49 Properties)			\$ 43,331,858	\$64,976,560		

DOWNTOWN SUBSIDE - PROPERTY/BUSINESS DATABASE

FOID #	PROPERTY ADDRESS	OWNER	Assesd Value '18	BID @ 1.5-mills	Business Address(es)	Business
9400 WEST SIDE						
14-2235-007-0660	9400 HARDING AVE	PUBLIC SUPER MARKETS INC % EXPENSE	\$7,301,745	\$10,952.62	9400 Harding	Public Supermarket
14-2235-007-0670	9448 HARDING AVE	PAYABLES LEASE	\$979,013	\$568.57	9448 Harding	Todd's Hair & Salon
14-2235-007-0680	9454 HARDING AVE	SOLEMAT LLC	\$369,801	\$554.70	9452 Harding	GNC / General Nutrition Center
		MARVIN M GREEN BEATRICE MUSKAT			9454 Harding	Super S Food Market
		DAVID MUSKAT			9456 Harding	Dr. Ely A. Guerra - DDS / Emergent
14-2235-007-0690	9458 HARDING AVE	9458 HARDING AVENUE LLC	\$368,467	\$552.70	9458 Harding	Royal Living / First Service Realty
14-2235-007-0700	9460 HARDING AVE	C & A LLC	\$989,124	\$583.69	9460 Harding	Ho Wang Chinese Restaurant
14-2235-007-0710	9468 HARDING AVE	STONE PLAZA II LLC	\$371,618	\$557.43	9468 Harding	Chapelus By Amor
14-2235-007-0720	9472 HARDING AVE	F & T REAL PROPERTY LLC	\$792,685	\$1,188.19	9472 Harding	Fiberio (Comkup)
14-2235-007-0730	9476 HARDING AVE	9476 HARDING INVESTMENTS INC	\$970,135	\$545.20	9478 Harding	Hot Diner
14-2235-007-0740	9480 HARDING AVE	KEITH A GRAY TR	\$337,892	\$516.84	9480 Harding	Vacant
14-2235-007-0750	9484 HARDING AVE	9484 HARDING INVESTMENT LLC	\$748,137	\$1,119.21	9484 Harding	Delray Art Studio (Coming)
					9488 Harding	Arrandee Chi Chi
					9488 Harding	Birny Cohen Law Firm
					9488 Harding	Hair & Body New Dimensions
					9490 Harding	Cafe Vert D (OK)
14-2235-007-0760	9494 HARDING AVE	JACK PATRIMAN RLTY CO, INC	\$1,359,683	\$2,039.97	9494 Harding	Big Daddy's Liquor
	11 Properties		\$ 12,785,000	\$19,179.00		
9400 EAST SIDE						
14-2235-007-0850	9401 HARDING AVE	WACHOVIA BANK C/O PROPERTY TAX PROCESSING	\$1,534,885	\$2,302.33	9401 Harding	Wells Fargo Bank
14-2235-007-0860	9415 HARDING AVE	PAULINE ROWE JOHNSON	\$709,755	\$1,056.63	9415 Harding	The Harbour Grill M (OK)
14-2235-007-0890	9425 HARDING AVE	9425-27 HARDING AVE INC	\$360,078	\$540.12	9425 Harding	Start-Bal-Day Cleaners
14-2235-007-0920	9429 HARDING AVE	DONALD J KAHN & W LOURDES	\$855,780	\$595.69	9429 Harding	Flornrb Realty
14-2235-007-0910	9437 HARDING AVE	SALLY HEAD CARTER TR	\$764,948	\$1,147.41	9437 Harding	Harvest Moon
					9439 Harding	Ship and Pack
					9439 Harding	Barfield Barber Shop
					9439 Harding	Monaco Collection
					9439 Harding	Virtorium
					9439 Harding	Rite Sweetheart Beauty Shop
14-2235-007-0900	9441 HARDING AVE	9575 HARDING AVE LLC	\$369,761	\$554.64	9441 Harding	OKC, LC (private)
14-2235-007-0930	9445 HARDING AVE	ASHLD INC	\$778,904	\$1,168.65	9445 Harding	Dr. Yoram C. Padah
14-2235-007-0990	9453 HARDING AVE	DGM GRP LLC	\$185,033	\$279.56	9453 Harding	Dr. Ilonka Schwartz
14-2235-007-0581	9455 HARDING AVE	THE G PARTNERS LLC	\$180,883	\$271.32	9455 Harding	Rina's Beauty Salon
14-2235-007-0980	9457 HARDING AVE	7101 COLLINS LLC	\$397,985	\$596.98	9457 Harding	Express Florida Realty Inc.
14-2235-007-0570	9461 HARDING AVE	GOLD ENTERPRISES INC	\$968,708	\$899.06	9461 Harding	Serenity Yogurt Cafe (Kosher In)
14-2235-007-0560	9471 HARDING AVE	WCF LLC	\$1,130,483	\$1,695.72	9463 Harding	Moucheson Pizza
					9463 Harding	Caba Real Estate
					9463 Harding	Rud's Cleaners
14-2235-007-0550	9477 HARDING AVE	HARRY BREITER	\$757,562	\$1,136.34	9467 Harding	Kosherland B.G.P. (OK)
					9471 Harding	Art & Frame
					9475 Harding	The Scarlet Letter
14-2235-007-0520	9491 HARDING AVE	SEAN REMLY TRS	\$1,623,577	\$2,435.37	9477 Harding	Kosh
					9481 Harding	Absolut Flowers by Manny
					9485 Harding	Specchio Cafe
					9489 Harding	Lotes Miami (Kosher Instigate)
					9489 Harding	Ass - 2
					9491 Harding	David & Saul Shoes
	14 Properties		\$ 9,470,925	\$14,205.39		
		9400 BLOCK TOTALS	\$ 22,256,925	\$33,385.39		

ATTACHMENT B

Surfside Downtown
 Business Improvement District
 Summary and Support Request



In January 2014, the Surfside Town Commission will consider scheduling the vote of the property owners for final approval of the Downtown Surfside Business Improvement District (BID) **to be followed by the vote of the Downtown Property Owners**. Redevelopment Management Associates (RMA) has completed a BID Plan which reduces the assessment burden on property owners and tenants, while providing a cohesive framework that puts Downtown Surfside Stakeholders in charge or your own destiny, these funds, are after all, yours to direct. Downtown property and business owners have provided valuable input and feedback over the last few months regarding the proposed BID, and have helped to develop a plan that is affordable and that focuses on the issues that are the most important to the district's stakeholders.

The BID Plan organizes the interests of local businesses and property owners to give you a voice on issues that impact your business, including:

Parking Solutions, Marketing Strategies, Zoning, Permitting, Signage, Streetscape

At the request of the Town Commission, RMA is facilitating a straw poll of downtown stakeholders to demonstrate the level of support of this important endeavor that so many have worked hard on during 2013.

Time is of the Essence: Creation of the Business Improvement District will provide the Downtown Stakeholders with "strength in numbers" and organized advocacy as the Town considers the best approach to providing parking for downtown customers and businesses in the Spring of 2014.

Establishment of the Business Improvement District will also help downtown business owners capitalize on the opportunities that are coming soon, including the opening of new hotels in Surfside and Bay Harbor Islands, and also help identify ways to take advantage of the future expansion of Bal Harbour Shops.

For more information on the benefits of a BID, the costs, or any other question, please contact Kevin Crowder, RMA Director of Economic Development, at kevin@rma.us.com | 305-900-7470 or Duncan Tavares, Surfside TEDACS Director, at dtavares@townofsurfsidefl.gov / 305-864-0722

Please fill out the following page. You can fax it to 305-861-1302, scan and email it to kevin@rma.us.com or call 305-900-7470 to arrange for it to be picked up.

Surfside Downtown
Business Improvement District
Straw Poll



Your support is needed to ensure that Downtown Surfside's voice is heard on critical issues. Please indicate your support of the proposed Business Improvement District. You can fax it to 305-861-1302, scan and email it to kevin@rma.us.com or call 305-900-7470 to arrange for it to be picked up.

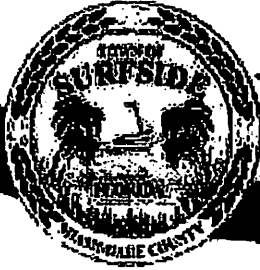
Yes, I support the Downtown Surfside BID Plan and ask the Town Commission to proceed with the official vote to establish the Business Improvement District, pending the final vote of Downtown Property Owners.

Name _____

I am a Property Owner Business Owner

Property/Business Address _____

ATTACHMENT C



TOWN OF SURFSIDE

9293 HARDING AVENUE
 SURFSIDE, FLORIDA 33154
 (305) 861-4863 • FAX: (305) 861-1302
 WWW.TOWNOFSURFSIDEFL.GOV

December 6, 2013

Dear Surfside Business District Property Owner,

I am writing to you to seek your support to establish a Business Improvement District (BID) in Surfside. Your support is critically important to continue the progress achieved over the past three years.

Many of you and your families have owned buildings in Surfside's Business District for decades. This BID will create for the very first time a recognized and powerful partnership with the Town that extends beyond the current elected officials and Town staff and provide you with control of your own destiny within Surfside. The time to consider a BID is now to both capitalize on the investments that we have collectively made and to be ready for the high quality hotel projects either completed or underway that will positively impact the Business District.

My fellow Commissioners and the Town Administration have dedicated an unprecedented amount of time, effort and Town finances to improve Surfside's Business District. Some of the initiatives and improvements include:

- ✓ Established a Downtown Vision Advisory Committee
- ✓ Completed parking lot improvements at the Abbot Street Lot and the 94th Street Lot
- ✓ Completed the Utility Upgrade Project
- ✓ Completed a Parking Structure Feasibility Study
- ✓ Upgraded the annual downtown holiday lights
- ✓ Upgraded the parking meter system
- ✓ Assisted businesses with Miami-Dade County "mom and pop" grant applications
- ✓ Continued the Third Thursday Event Series
- ✓ Published a Surfside Business Directory
- ✓ Initiated the Business District Streetscape Improvement Project
- ✓ Initiated Phase I of the 95th Street Streetscape Project

Your property values and your tenants benefit from these investments and could continue to benefit from a formalized relationship that leverages funding from the Town as well as the Tourist Bureau's Resort Tax Fund.

I often hear of past relationships with the Town and of challenges that have gone unaddressed. That is not what is evident today and I trust that our record over the past three years has demonstrated our commitment to the Business District. A BID is the next evolutionary step to represent the interests of both property and business owners and provide a dedicated source of revenue to support BID programs.

Join us in presenting Surfside's downtown as a unified and viable destination with an investment in the long-term economic enhancement the Business District by favorably voting for the establishment of a BID. I welcome the opportunity to discuss the BID with you. Please feel free to call me at any time (cell: 305 992-7965). Thank you in advance for your consideration.

Sincerely,

Daniel Dietch
 Mayor



Town of Surfside Planning and Zoning Board Communication

Agenda Date: January 30, 2014

Subject: Side Setback Ordinance

From: Sarah Sinatra Gould, AICP, Town Planner

Background: At the October 23, 2013 Planning and Zoning Board meeting, the Board was reviewing an ordinance relating to lot frontage and building lengths for properties in the H120 district. Part of that discussion was also relating to side setbacks. The Zoning Code indicates that interior side setbacks for properties in the H120 district are 10 feet and for properties on a corner, the side setback is 20 feet.

The Board indicated that many of the properties on the east side of Collins Avenue were larger, aggregated lots. A 10 foot side setback did not seem adequate for 120 foot tall buildings and the Board directed staff to prepare a code amendment requesting setbacks in the H120 district to be 10% of the lot frontage. Therefore, a 300 foot lot would result in 30 foot side setbacks.

Recommendation: Staff recommends the Planning and Zoning board recommend approval to the Town Commission.

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-45 "SETBACKS"; 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 lot frontage and building lengths for properties in the H120 district; and

WHEREAS, the Town Zoning Code indicates that interior side setbacks for properties in the H120 district are 10 feet and for properties on a corner, the side setback is 20 feet; and

WHEREAS, many of the properties on the east side of Collins Avenue have larger, aggregated lots and a 10 foot side setback does not seem adequate for 120 foot tall buildings; and

WHEREAS, the Town Commission has determined setbacks in the H120 district to be 10% of the lot frontage and therefore, a 300 foot lot would result in 30 foot side setbacks; and

WHEREAS, The Town Commission held its first public reading on December 10, 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 January 30, 2014 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 February 11, 2014 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. 90-45. Setbacks.

(b) *Setbacks.*

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

H120	Minimum Setback (Feet)
Primary frontage	40 FT
Interior side-Side	10 FT 10% of the lot frontage, no less than 10 feet
Rear	30 FT
Secondary frontage (Corner only)	20 FT

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 _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, 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 _____



Town of Surfside Planning & Zoning Board Communication

Agenda Date: January 30, 2014

Subject: Garage Door Modification

From: Sarah Sinatra Gould, AICP, Town Planner

Background: At the September 30, 2013 Town Commission and Planning and Zoning Board Joint meeting, there was a discussion regarding modification to the code relating to garage doors. Staff was provided direction to modify the code. The Town Commission approved the ordinance on first reading.

Analysis: The strict interpretation of the code is to have two separate garage doors, rather than a two car garage. This is not practical or financially feasible for the installation of a garage door. Staff is proposing the following change:

Sec. 90-50. Architecture and roof decks.
9-50.1 Architecture.

(5) Garage facades. Attached garages located at the front of a single family home shall not exceed 50 percent of the overall length of the facade. ~~If a garage is provided to accommodate two cars, the garage entrances must have an exterior expression of two separate entrances, each a maximum of ten feet wide, and separated by an 18-inch wide vertical element consistent with the facade.~~

Staff Recommendation: Staff recommends the Planning and Zoning Board recommend approval to the Town Commission.

Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", AND SPECIFICALLY AMENDING SECTION 90-50 "ARCHITECTURE AND ROOF DECKS" TO ALLOW FOR THE INSTALLATION OF TWO CAR GARAGE DOORS; 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 garage door regulations that were impractical and not financially feasible for property owners; and

WHEREAS, the code requires that if there is a garage that accommodates two cars there must be two separate garage doors installed; and

WHEREAS, the Town has determined that this requirement is not practical or financially feasible for the installation of a garage door; and

WHEREAS, The Town Commission held its first public reading on December 10, 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 January 30, 2014 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 February 11, 2014 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. 90-50. Architecture and roof decks.

9-50.1 Architecture.

(5) Garage facades. Attached garages located at the front of a single family home shall not exceed 50 percent of the overall length of the facade. ~~If a garage is provided to accommodate two cars, the garage entrances must have an exterior expression of two separate entrances, each a maximum of ten feet wide, and separated by an 18-inch wide vertical element consistent with the faeade.~~

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 _____, 2014.


Daniel Dietch, Mayor

Ordinance No. _____

ATTEST:

Sandra Novoa, CMC
Town Clerk

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



Linda Miller, 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. _____

ORDINANCE NO. ____

**AN ORDINANCE OF THE TOWN OF SURFSIDE,
FLORIDA AMENDING CHAPTER 90 "ZONING" OF
THE TOWN OF SURFSIDE CODE OF ORDINANCES
AND SPECIFICALLY AMENDING SECTION 90.41
"REGULATED USES" PROHIBITING THE SALE OF
LIVE ANIMALS AS A PERMITTED USE; PROVIDING
FOR SEVERABILITY; PROVIDING FOR INCLUSION
IN THE CODE; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Town Commission of the Town of Surfside, Florida (the "Town") encourages pet ownership so long as pets are properly treated and restrained so as not to create a nuisance (in accordance with the terms of Chapter 10 of the Code), and

WHEREAS, the Town Commission of the Town of Surfside, Florida (the "Town") for the citizens of the Town, the protection of their health, safety and welfare (and in keeping with Chapter 10 "Animals" which also prohibits commercial kennels as a nuisance) now wishes to prohibit the sale of live animals, including without limitation, dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock of any kind as a permitted use; and

WHEREAS, according to the Humane Society of the United States, thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories"; and

WHEREAS, the mass-production of animals for sale to the public, many of which are sold at retail in pet stores, lack proper animal husbandry practices; and

WHEREAS, animals born and raised at those facilities are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle; and

WHEREAS, while not all dogs and cats sold in retail pet stores are not the products of inhumane breeding conditions and not every commercial breeder selling dogs or cats to pet stores operates "puppy mills" or "kitten factories," the Town Commission believes that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores; and

WHEREAS, the Town Commission believes that the prohibition of the retail sale of live animals in pet stores in the Town will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals; and

WHEREAS, The Town Commission held its first public reading on December 10, 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 January 30, 2014 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 February 11, 2014 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. Code Amended. Sec. 90.41 of the Town Code is hereby amended to include Section 90.41(d)

Sec. 90.41. Regulated uses.

(25) Provided that no animals including without limitation dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock shall be sold on the premises.

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 _____, _____.

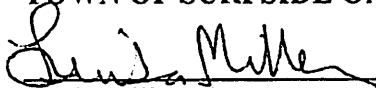
PASSED and ADOPTED on second reading this ____ day of _____, _____.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa
Town Clerk

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



Linda Miller, Town Attorney

On Final Reading moved by: _____

On Final Reading seconded by: _____

Vote:

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