



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD**

**AGENDA
FEBRUARY 27, 2014
7:00 PM**

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES: **JANUARY 30, 2014**

4. PLANNING AND ZONING APPLICATIONS:

A. Request of the Owner of Property located at 9380 Collins Avenue

The applicant is requesting to renovate a sales center.

B. Request of the Owner of Property located at 9180 Byron Avenue

The applicant is requesting to build a family room at the rear of the home and refurbish an existing deck in the backyard.

C. Request of the Owner of Property located at 9381 Byron Avenue

The applicant is requesting to build a study room addition.

D. Request of the Owner of Property located at 9481 Byron Avenue

The applicant is requesting to add a family room, kitchen, and master bedroom to the rear of the home. The application includes the pool and deck.

E. Request of the Owner of Property located at 223 & 225 95th Street

The applicant is requesting to install two signs in two different stores and replace the awning over the existing storefront for both stores.

5. QUASI-JUDICIAL APPLICATIONS:

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

A. The Shul Site Plan and Special Exception –

A RESOLUTION OF THE PLANNING AND ZONING BOARD OF THE TOWN OF SURFSIDE, FLORIDA, RECOMMENDING FOR APPROVAL A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, AND A SPECIAL EXCEPTION FOR A PRESCHOOL, PURSUANT TO SECTION 90-37 OF THE ZONING CODE TO PERMIT A 5,122.9 SQUARE FOOT MULTIPURPOSE ROOM AND A 51,850 SQUARE FOOT THREE STORY CLASSROOM FACILITY, INCLUDING AN EXPANSION OF THE EXISTING PRESCHOOL AND EXCLUDING A SCHOOL, AS SUBMITTED BY THE SHUL, SUBJECT TO CERTAIN CONDITIONS WHICH SHALL BE INCLUDED IN A RECORDED COVENANT RUNNING WITH THE LAND, AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

6. ORDINANCES:

A. Electric Vehicle Car Charging Station –

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; SECTION 90-41 “REGULATED USES”; SECTION 90-71.2 “H30C, H40, MU AND H120 DISTRICTS”, AND SECTION 90-77 “OFF STREET PARKING REQUIREMENTS”, TO ALLOW FOR THE INSTALLATION OF ELECTRIC VEHICLE CAR CHARGING STATIONS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

B. Planning and Zoning Board Membership -

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING” SPECIFICALLY AMENDING SECTIONS 90-15 “MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMENDATIONS, EXPENDITURES, INDEBTNESS”, 90-16 “ MEETINGS: BOARD YEAR; TIMEFRAME; LOCATION”, 90-17 “ POWERS AND DUTIES”, 90-18 “DESIGN REVIEW BOARD”, 90-19 “ SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS”, 90-20 DEVELOPMENT REVIEW REQUIEREMENTS FOR SUBMITTALS OTHER THAN SINGLE-FAMILY AND TWO-FAMILY”, 90-23 “CONDITIONAL USES’, AND 90-70 “SIGN PERMITS’, ESTABLISHING THE DESIGN REVIEW BOARD AND RESPONSIBILITIES OF SUCH BOARD; CHANGING MEMBERSHIP REQUIREMENTS OF THE PLANNING AND ZONING BOARD;

**ALLOWING FOR AN APPEAL OF DFESIGN REVIEW BOARD DECISION;
PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE
CODE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR
CONFLICTS; AND PROVIDING FOR AN EFECTIVE DATE.**

7. DISCUSSION ITEMS:

A. Massing

B. Future Agenda Items

8. PERMITS ISSUED AND REVENUE REPORT FOR JANUARY 2014.

[To be delivered separately]

9. 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
MEETING
JANUARY 30, 2014
7:00 PM**

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:04 pm.

2. ROLL CALL

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

3. APPROVAL OF MINUTES: DECEMBER 19, 2013

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

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.**

Town Planner Sarah Sinatra presented the item.

The applicant and his architect spoke and gave more details on the project especially on a turnaround driveway and landscaping which they propose. The design of the house and placing of windows on east elevation was discussed.

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

1. Revisit the east elevation with Town Planner

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

**B. Request of the Owner of Property located at 9530 Harding Avenue
The applicant is requesting to remodel an existing storefront.**

Town Planner Sarah Sinatra presented the item.

Applicant Dr. David Carmona spoke on the issue. The Board gave some advice as to improving the signage. Chair Lecour said she had confidence that the applicant and Town Planner could work this out without having to come back for further approval. Town Planner Sinatra indicated that if she was not comfortable with the redesign she will bring it back to the Board for their review.

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

1. Retweek the logo with the Town Planner and staff recommendations as to the colors.

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

**C. Request of the Owner of Property located at 9472 Harding Avenue
The applicant is requesting to install a new canvas awning.**

Town Planner Sarah Sinatra presented the item. Staff is not recommending as it does not meet code requirements as the awning is scalloped.

Applicant and the awning installer spoke in support of the project. The Board gave their views and felt the awning was not compatible with the town and is not aesthetically pleasing to the eye. It also does not meet code requirements

A motion to deny was made by Board Member Castellanos. The motion received a second from Vice Chair Glynn and all voted in favor.

**D. Request of the Owner of Property located at 9445 Harding Avenue
The applicant is requesting to install a new canvas awning.**

Town Planner Sarah Sinatra presented the item.

The applicant Evelyn Ramirez spoke and explained that it is a retractable awning which would only be closed in storm conditions.

A motion to approve was made by Board Member Dray. The motion received a second from Board Member Castellanos and all voted in favor.

**E. Request of the Owner of Property located at 9380 Collins Avenue
The applicant is requesting to renovate a sales center.**

Town Planner Sarah Sinatra presented the item.

The architect Alfonso Jurado spoke in support of the item and gave more details on the project. The Board discussed the mural on the wall and Vice Chair Glynn felt it looked like a billboard. The Board was not unanimous in their concept of the mural.

Landscaping was also discussed. The applicant was asked to reconsider the design of the image and remove the plants and greenery and add more art.

A motion to approve was made by Board Member Dray. The motion received a second from Board Member Castellanos. The item remained status quo with Board Member Dray and Board Member Castellanos voting for and Chair Lecour and Vice Chair Glynn voting in opposition.

5. Discussion items:

A. Dock located in channel

Project Manager Ross Prieto explained the permitting process and indicated that all permits were issued properly. Vice Chair Glynn said that a dock with fender and boat would block the canal to some navigation. Town Manager Crotty spoke on the issue and said the town was looking into the possibility of removing the debris and silt from the channel. He suggested that code requirements be looked into and reasonable safeguards be put into the code to assure proper navigation of the canal. It was confirmed that the previous owner never applied for a permit to install a dock. Mr. Prieto also gave a visual presentation of the channel.

Public Speaker Mel Schlessor spoke and strongly said that the city did not really look into this issue thoroughly as to what effect the dock and size of boat would have on other residents who navigate the canal. He indicated that if a boat were at the dock he would not be able to navigate his sailboat through the canal. He felt that when permission was given to build a dock a restriction should have been placed as to the parking of a boat which would impede navigation. His frustration is not with the applicant but with the city as residents were not notified and not given the opportunity to give their views.

Public Speaker Mark Geller spoke in opposition of the dock as it would impede navigation to anyone who lives on the lake. He feels this issue was not handled properly and there was no input from neighbors as they had not been informed of the project. A few other residents spoke in opposition and offered suggestions for resolution.

The applicant Mr. Joel Tabas responded to the concerns of the city and his neighbors and had some photos of the area. He said the permit process took about 9 months and he was assured by all Departments that all was done appropriately. Mr. Tabas did not intend to upset his neighbors but was told he was within all code requirements. However, Mr. Tabas said he is willing to work with his neighbors and the city to help resolve this problem.

Vice Chair Glynn assured Mr. Tabas that no one is upset with him but that the town was not prepared for this. Now the problem is how to resolve this and put proper code in place so it doesn't happen again.

Chair Lecour wanted to go on record that she is a neighbor and resides on the lake and is biased on this issue.

Public Speaker Commissioner Graubart gave a little history of the Point Lake area and suggested that a deep title search be part of the research to see if there are any covenants on lots in that area.

The Board is directing staff to do the following:

1. revisit the restrictions as to size (length and width) of boats and to consider the maximum projection into the canal
2. dredging of the canal
3. limiting docks on the west side of the canal.

B. Planning and Zoning membership

Town Attorney Miller gave an update report.

C. Update on turtle lighting

Town Planner Sarah Sinatra gave update on enforcement issue

D. Future Agenda Items

Town Planner Sarah Sinatra gave update and indicated they are moving forward with the sign code.

E. Update on Noise Ordinance

Town Attorney Linda Miller gave an update on construction and noise ordinance. Vice Chair Glynn said that citizens have approached him and asked if there was any way to limit the amount of noise that neighbor’s birds make.

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.**

Recording Clerk Jenorgen Guillen read the title of the ordinance.

Duncan Tavares Tourist Director presented the item.

A motion to recommend to the Commission was made by Board Member Dray. The motion received a second from Board Member Castellanos and all voted in favor.

- 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.**

Recording Clerk Jenorgen Guillen read the title of the ordinance.

Town Planner Sarah Sinatra presented the item.

A motion to recommend to the Commission was made by Board Member Castellanos. The motion received a second from Board Member Dray and all voted in favor.

- 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.

Recording Clerk Jenorgen Guillen read the title of the ordinance.
Town Planner Sarah Sinatra presented the item.

A motion to recommend to the Commission was made by Vice Chair Glynn. The motion received a second from Board Member Castellanos and all voted in favor.

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.

Recording Clerk Jenorgen Guillen read the title of the ordinance.
Town Attorney Linda Miller presented the item.

A motion to recommend to the Commission was made by Board Member Dray. The motion received a second from Vice Chair Glynn and all voted in favor.

**7. PERMITS ISSUED AND REVENUE REPORT FOR DECEMBER 2013.
[To be delivered separately]**

Building Official Ross Prieto gave an updated report. The Board was pleased with the new format of the report. Vice Chair Glynn asked about the parking structure and Town Manager Crotty gave an update.

8. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 9:45 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: February 27, 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 submitted drawings that were denied by Planning and Zoning Board on January 30, 2014. The applicant has resubmitted plans to address Planning and Zoning Board's concerns. The applicant is requesting to remodel the existing building elevations, including a green wall on portions of the east, north, and west elevations, and a concrete canopy. The east elevation includes the Chateau logo in white. The portion of the east exterior building face not covered by a green wall consists of a wood cladding. 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



West Elevations



① WEST ELEVATION
SCALE 3/16"=1'-0"





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. Lot frontage is 105 feet.	103 square feet
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 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.	Sign attached to the main façade of building.
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) – East Elevation



<p>Prohibited Word Content</p>	<p>Signs may not include the following: 1) Any reference to price, except as provided in regards to “window sign.”</p>	<p>No reference to price.</p>
<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>Signs do not project over the sidewalk or street.</p>

RECOMMENDATION

Staff recommends approval.



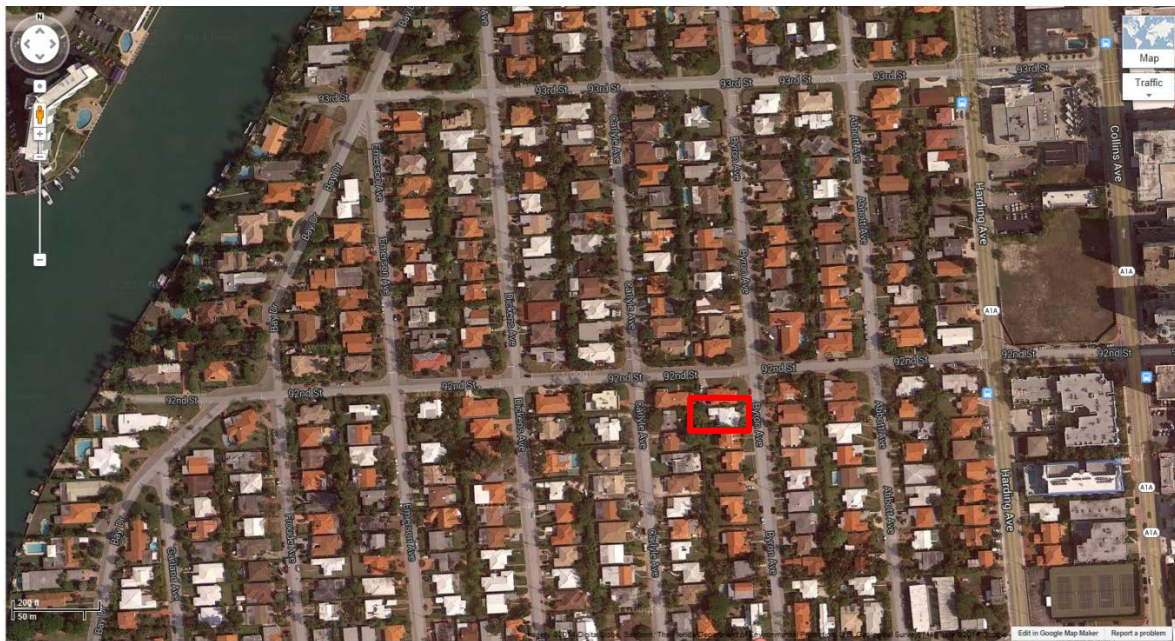
MEMORANDUM

To: Planning and Zoning Board
 Thru: Michael Crotty, Town Manager
 From: Sarah Sinatra Gould, AICP, Town Planner
 CC: Linda Miller, Town Attorney
 Date: February 27, 2014
 Re: 9180 Byron Avenue – Family Room Addition and Deck

The property located at 9180 Byron Avenue is within the H30B zoning district. The applicant is proposing to add a family room at the rear of the home and refurbish an existing deck in the backyard.

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	No changes proposed to height.

Sec. 90.45 Setback

H30B UPPER STORY IS less than 50% of the FIRST FLOOR AREA	Required	Proposed
FIRST STORY		
Primary Frontage	Minimum 20 feet	No changes proposed to front setback.
Interior side	5 feet	North: 5 feet 2 inches South: 5 feet
Rear	Minimum 20 feet	20 feet

Sec. 90.49 Lot standards

Lot Standards H30B	Required	Proposed
Minimum Lot width	50 Feet	50 feet
Minimum lot area	5,600 feet	5,629 square feet
Maximum lot coverage	40%	39.5%
Pervious area	35% (minimum)	41%

Sec. 90.50.1 Architecture and roof decks

	Required	Proposed
Wall openings	10% for all elevations	All elevations have 10% wall openings.
Roof Material	(a) Clay tile; (b) White concrete tile; (c) Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; (d) Architecturally embellished metal if granted approval by the Design Review Board; or (e) Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.	New roof to match existing color and type.

Town of Surfside Adopted Residential Design Guidelines

Transparency and Void Requirements

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

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.	Painted stucco to match existing.

Roof Materials, Types, and Slopes

Required	Proposed
Roof types and slopes should be generally the same over all parts of a single building.	Roof types and slopes are generally the same over all parts of the building.
Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to: <ol style="list-style-type: none"> 1. Clay tile; 2. White concrete tile; 3. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is first approved by the Planning and Zoning board; and 4. Metal. 	New roof to match existing color and type. Existing roof is tile.

Recommendation

Staff recommends approval.



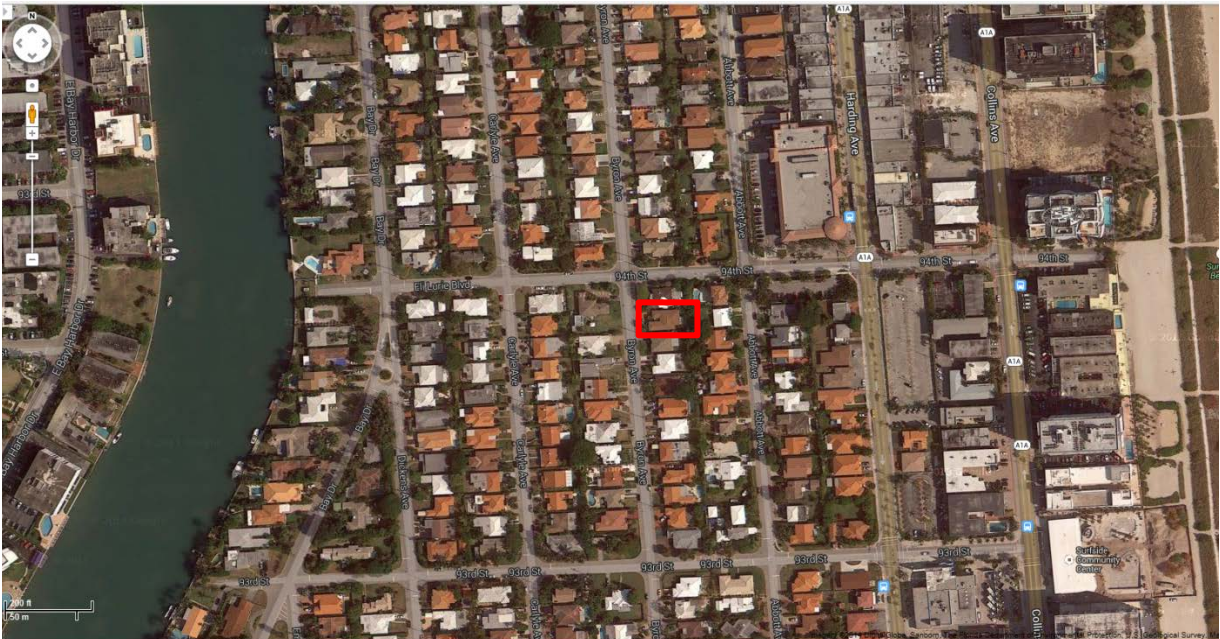
MEMORANDUM

To: Planning and Zoning Board
 Thru: Michael Crotty, Town Manager
 From: Sarah Sinatra Gould, AICP, Town Planner
 CC: Linda Miller, Town Attorney
 Date: February 27, 2014
 Re: 9381 Byron Avenue – Addition

The property located at 9381 Byron Avenue is within the H30B zoning district. The applicant is proposing an addition to be used as a study for the home.

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	No changes proposed to height.

Sec. 90.45 Setback

H30A and H30B (Single-story structures up to 15 feet in height)	Required	Proposed
Primary frontage	20 Feet	No changes proposed to front setback.
Interior side (lots equal to or less than 50 feet in width)	5 Feet	South: 5.08 feet North: 4.89 (No changes proposed to north setback)
Rear	20 Feet	23.42 feet

Sec. 90.49 Lot standards

Lot Standards H30B	Required	Proposed
Minimum Lot width	50 Feet	50 feet
Minimum lot area	5,600 feet	5,625 square feet
Maximum lot coverage	40%	39.1%
Pervious area	35% (minimum)	41%

Sec. 90.50.1 Architecture and roof decks

	Required	Proposed
Wall openings	10% for all elevations	All elevations have 10% wall openings.
Roof Material	(a) Clay tile; (b) White concrete tile; (c) Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; (d) Architecturally embellished metal if granted approval by the Design Review Board; or (e) Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.	Existing roof is tile. Proposed new addition is flat roof.

Town of Surfside Adopted Residential Design Guidelines***Transparency and Void Requirements***

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

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.	Painted stucco to match existing.

Roof Materials, Types, and Slopes

Required	Proposed
Roof types and slopes should be generally the same over all parts of a single building.	Proposed roof is tile while existing roof throughout building is tile.

<p>Restricted materials for roofs are pre-determined in the Town's Building Code, which restricts roofing materials to:</p> <ol style="list-style-type: none">1. Clay tile;2. White concrete tile;3. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color is first approved by the Planning and Zoning board; and4. Metal.	<p>Tile roof is proposed. Roof will match existing.</p>
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Recommendation

Staff recommends approval.



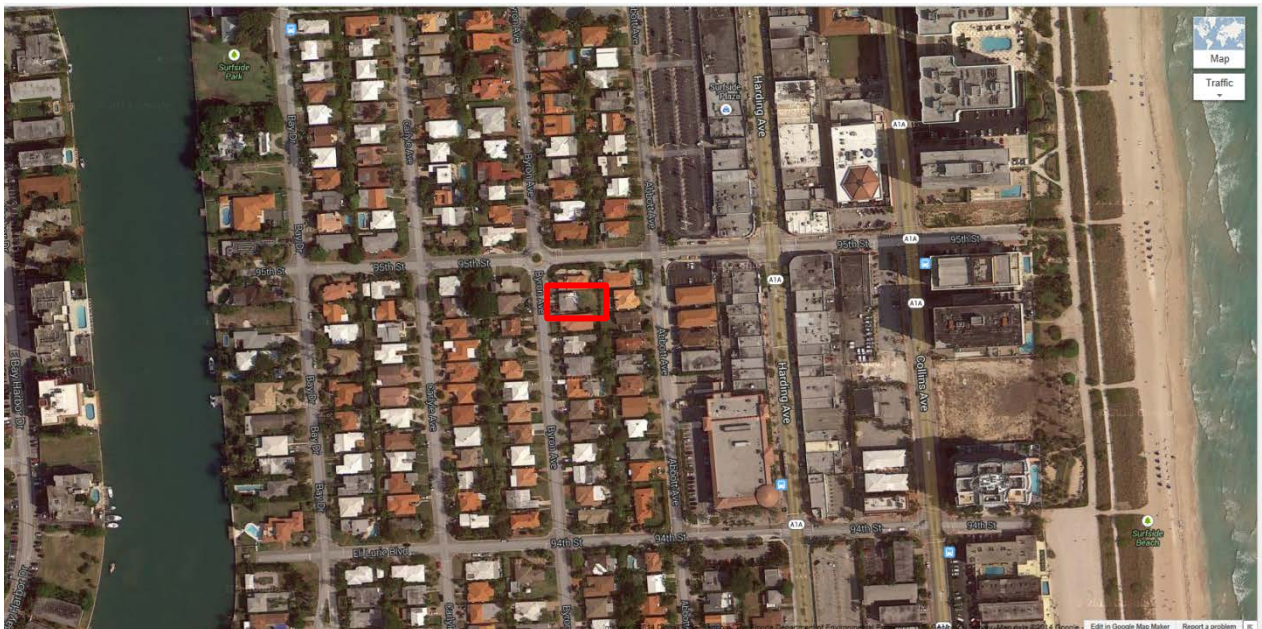
MEMORANDUM

To: Planning and Zoning Board
 Thru: Michael Crotty, Town Manager
 From: Sarah Sinatra Gould, AICP, Town Planner
 CC: Linda Miller, Town Attorney
 Date: February 27, 2014
 Re: 9481 Byron Avenue – Rear Addition

The property located at 9481 Byron Avenue is within the H30B zoning district. The applicant is proposing modifications to the home. The applicant is proposing to add a family room, kitchen, and master bedroom to the rear of the home. The application includes the pool and deck, however the code states that no less than 20% of the rear yard be landscaped. This is not provided; therefore, staff requests the applicant provide it on the building permit for administrative review.

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	No changes proposed to height.

Sec. 90.45 Setback

H30A and H30B (Single-story structures up to 15 feet in height)	Required	Proposed
Primary frontage	20 Feet	20 feet
Interior side (lots equal to or less than 50 feet in width)	5 Feet	5 feet both side setbacks
Rear	20 Feet	27 feet

90-47.5 Yards generally, allowable projections.

Open, unenclosed building entrance porches, platforms, stairs or paved terraces, not covered by a roof or canopy, and which do not extend above the level of the grade or entrance floor of the building, may extend or project into the required front or side yard no more than six feet and the encroachments shall not provide less than a 24-inch setback to the property line.	Not provided.
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Sec. 90.49 Lot standards

Lot Standards H30B	Required	Proposed
Minimum Lot width	50 Feet	50 feet
Minimum lot area	5,600 feet	5,627 square feet
Maximum lot coverage	40%	38.3%
Pervious area	35% (minimum)	Not provided.

Sec. 90.50.1 Architecture and roof decks

	Required	Proposed
Wall openings	10% for all elevations	All elevations have 10% wall openings.
Roof Material	(a) Clay tile; (b) White concrete tile; (c) Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; (d) Architecturally embellished	New roof to be replaced with Spanish style tile.

	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.	
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Town of Surfside Adopted Residential Design Guidelines

Transparency and Void Requirements

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

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.	Painted stucco to match existing.

Roof Materials, Types, and Slopes

Required	Proposed
Roof types and slopes should be generally the same over all parts of a single building.	Roof types and slopes are generally the same over all parts of the building.
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.	New roof to be replaced with Spanish style tile.

Sec. 90.56 Fences, walls and hedges

	Required	Proposed
Fence	6 feet maximum	6 feet

Recommendation

1. Pool and deck are not included in this review due to the following comments.

A. The code states that no less than 20% of the rear yard shall be landscaped. Staff requests the applicant provide it on the building permit for administrative review.

B. Five foot setback required for pool equipment.

C. Five foot setback required for deck.

2. Staff recommends approval with the following conditions.

A. Provide 24 inch side setback for stairs.

B. Building permit plans shall demonstrate a minimum of 35% pervious lot area.



MEMORANDUM

To: Planning and Zoning Board
Thru: Michael Crotty, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Town Attorney
Date: February 27, 2014
Re: 233 and 225 95th Street – New Signs and Canopy

The properties are located at 233 and 225 95th Street, within the SD-B40 zoning district. The restaurants are B&H Pizza Sushi (233 95th Street) and B&H Shawarma (225 95th Street). The applicant is requesting to install two new signs. Both signs are red and white with internally illuminated channel lettering. The applicant is also proposing to replace an existing awning for 233 95th Street to with a new awning that expands over both storefronts.

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



STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90-71.1

Signs	Permitted	Proposed
Area	25 square feet	233: 14 square feet 225: 13.8 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.	233: "B&H Pizza & Sushi Bar" (Name of establishment) 255: "B&H Shawarma" (Name of establishment)
Prohibited Word Content	Signs may not include the following: 1) Any reference to price, except as provided in regards to "window sign."	There is 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.



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 is consistent with wall opening.
Awnings and canopies shall remain consistent with architectural details and proportions harmonious with the overall building design and historic context.	Awning is consistent with architectural details and harmonious with the overall building design.
Awnings and canopies shall be consistent on multiple storefronts within a larger building.	Proposed awning is consistent with other storefronts within building.
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.	The proposed awning is 29 feet in length and does not have a break or articulation. This does not meet the Zoning Code meet requirements.
Awnings shall be attached to the building facades and shall not be supported by vertical elements within the right-of-way.	Awning is attached to the building facade and is 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.	Awning has a pedestrian scale and provides weather protection.
Awnings shall be an enhancement to the building facade and shall be proportional with and complimentary to nearby buildings and awnings.	Proposed awning is 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 awning does 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 three feet six inches over the sidewalk and do not exceed the width of the sidewalk.
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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 awning is solid brown in 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.	Awning color is consistent throughout building.
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.	No lighting is proposed.

RECOMMENDATION

Staff recommends approval with the following recommendation:
 1) Provide either a break of a minimum of six inches or articulation of the awning or canopy per code *Sec. 90-49.2 Awnings and canopies a. Location and Placement.*



Town of Surfside Planning and Zoning Communication

Agenda Date: February 27, 2014

Subject: The Shul Site Plan

From: Michael Crotty, Town Manager
Sarah Sinatra Gould, AICP, Town Planner

Table of Contents:

1. Applicant Proposal
2. Site Plan Staff Analysis
3. Special Exception
4. Development Impact Committee Summary
5. Planning and Zoning Resolution
6. Exhibits:
 - a. Applications and Letters of Intent
 - b. Site Plan Package

APPLICANT PROPOSAL:

The applicant, Jaime Shapiro, on behalf of The Shul, is proposing a 51,850 square foot addition to their existing Place of Public Assembly, located at 9540 Collins Avenue. The proposed development will consist of a 5,122.9 square foot social hall/multi-use space to be used for assembly, eight classrooms for a Montessori preschool, 16 classrooms for youth programs, multipurpose rooms, adult education and seven offices as well as an additional 27 parking spaces. The use of the buildings for a school, college or yeshiva shall be considered a material change that will require a site plan amendment, including review by the Town’s Planning and Zoning Board and Town Commission.

The following is a breakdown of the existing Shul and the proposed addition:

Social Hall		Total
Existing	Addition	8,558.9 square feet
3,436 square feet	5,122.9 square feet	
Classrooms		Total

Existing	Addition	24
5 (Which will be removed to become part of the sanctuary)	24 (8 preschool classes)	
Offices		Total
Existing	Proposed	16
9	7	
Parking Spaces		
Existing	Proposed	102
75	27	(203 parking spaces are required; therefore the applicant is requesting to pay into the parking trust fund for the 101 deficient parking spaces.

The initial site plan application was submitted on July 27, 2012. Staff confirmed that the package was complete and held a Development Review Group (DRG) meeting for August 22, 2012. The members of DRG include Planning, Engineering, Landscape Architecture, Survey, Traffic Engineering and Building. Nearly 75 comments were provided to the applicant at this meeting. The applicant then revised the site plan and resubmitted a package on January 25, 2013 and a second DRG meeting was held on February 13, 2013. An additional 73 comments were provided to the applicant at that time. A third DRG meeting was held on March 28, 2013 and 26 outstanding comments remained. A final DRG meeting was held on July 18, 2013 to address all final comments.

The Development Impact Committee (DIC) consisting of the Town Manager, Town Attorney, Town Planner, Building Official, Traffic Engineer, Public Works Director and Parks and Recreation Director met in two advertised and televised sessions on October 17, 2013 and January 9, 2014 to discuss this application. Numerous conditions were discussed at the October 17, 2013, but the Town and the applicant did not resolve a number of the voluntary proffers. Therefore, a second DIC meeting was held on January 9, 2014 to address all outstanding conditions resulting in agreement on all unresolved issues, including the voluntary proffers. The conditions included in the Resolution are being recommended to the Planning and Zoning Board from the DIC. All of the conditions will become part of the covenant recorded with this project after the Town Commission's final determination.

Staff reviewed the traffic analysis based on the principle of "non-concurrent" uses. It is understood that all uses within the building will not occur at the same time. For instance, the sanctuary will not be used at the same time a social event is occurring or when the preschool is in session. The applicant's traffic study takes into account the utilization of the various uses. The most intense combination of concurrent uses is the social hall and the pre-school together. Based on that analysis, the applicant requires 203 parking spaces for the peak uses. They are proposing 102 parking spaces, which includes 75 existing parking spaces and 27 new parking spaces which result in a deficiency of 101 spaces.

The Town Code allows an applicant to choose to meet required parking by paying into a parking trust fund, rather than constructing parking onsite. Section 90-77 (b) (4) states the following:

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

Based on the code provision above, the applicant is requesting to comply with the required parking by paying for 101 parking spaces into the parking trust fund consistent with the following provisions:

- A. Required Contribution: \$2,272,500 contribution (101 spaces X \$22,500 per space)
- B. Parking Trust Fund Terms: Applicant shall pay the required contribution by making 30 equal annual payments, each in the amount of 1/30th of the total amount.
- C. Payment Due: The first payment will be due when the Applicant requests a Certificate of Use from the Town. Subsequent payments shall be due on the same month and day of each following year.
- D. Payments shall be made until the total required contribution is met or until the Applicant and the Town (and such other parties as may join in the partnership) reach an agreement for a public-private partnership for the construction of a parking facility, which pursuant of a public-private partnership shall be in the sole discretion of the Town.

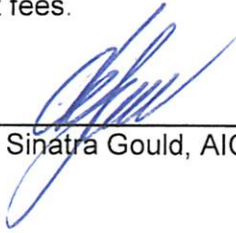
STAFF RECOMMENDATION

Recommendation: Staff recommends that the Planning and Zoning Board recommend approval of the Site Plan application and the Special Exception application to the Town Commission, based on the Applicant meeting minimum code requirement and acceptance of the Development Conditions.

Budget Impact: The building permit application requires the applicant to provide an estimated construction cost, which is verified by the Building Official. The applicant has indicated that the project will cost between \$10 million to \$11 million. Since the applicant has not submitted a building permit application at this point, the project cost has not been verified and the revenue is only an estimate based on the applicant's assumption. The estimated building permit fee of \$164,580 is projected for FY15. The annual water and sewer fee of \$1,884 is expected for FY16. This revenue will be used to mitigate the impacts on our new/renovated water/sewer/stormwater system. There will also be increases to our utility taxes and franchise fees. It is important to note that the applicant is proposing to pay into the Parking Trust for 101 parking spaces. This results in a contribution of \$2,272,500. Finally, the Applicant has agreed to contribute \$100,000 for the project cost for Phase II of the 95th Street Project for streetscape and landscaping improvements from Collins Avenue to Harding Avenue.

Growth Impact: Not applicable since there are no dwelling units associated with this application.

Staff Impact: There has been no impact to staff other than the significant amount of work necessary to review the project. The applicant has funded the review through the cost recovery process and the building permit review and inspection costs will be funded through the building permit fees.



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

SITE PLAN STAFF ANALYSIS

SITE PLAN INFORMATION:

Address	9540 Collins Avenue
General Location	West side of Collins Avenue between 96 th and 95 th Street
Property Size	1.44 gross acres
Zoning District	H40
Adjacent Zoning Districts	H40 to the north Municipal to the south SD-B40 to the west H120 to the east
Future Land Use	Moderate Density Residential Tourist
Number of parking spaces	Existing Parking Spaces: 75 New Parking Spaces: 27 Total Parking Spaces Proposed: 102 Required Parking Spaces: 203 Total Parking Spaces Deficient: 101 The applicant is requesting to contribute to the Parking Trust Fund for the deficient spaces at a rate of \$22,500 per space, equaling a total contribution of \$2,272,500.

ZONING CODE, APPLICABLE REQUIREMENTS (applicable to the addition only)

Sec. 90.43

Maximum Building Heights	Maximum Required	Proposed
H40	40 feet maximum	40 feet

Sec. 90.44

Modification of Height	Maximum Permitted		Proposed	Must be of high architectural quality integral to the design of the building
H40	12 ft.	10% of roof area	12 feet	A dome and glass parapet are proposed, which are consistent with the building design.

Sec. 90.45(b)

Setbacks	Minimum Required		Proposed
H40	Front (Collins Avenue)	20 ft	20 ft
	Side	15ft	22 ft
	Rear (Alley)	10 ft	10 ft

Sec. 90.47

Yards generally, allowable projections	Required	Proposed
H40 – Projection of open, unenclosed building entrance porches, platforms, stairs or paved terraces. Every part of a required yard shall be open to the sky, except ordinary projections of sills, cornices, roof eaves and ornamental features may project not more than 24 inches into any required yard.	Maximum 6 feet and the encroachments shall not provide less than a 24-inch setback to the property line.	<p>The stairs extend six feet into the front setback.</p> <p>The applicant is proposing a cantilevered glass box design feature to encroach two feet into the front setback.</p>

Sec. 90.49

Lot Standards	Required	Proposed
Minimum Lot width	50 feet	175.41 feet (the total length of the existing and proposed is 400.30)
Minimum Pervious area	20%	40.3%

Sec. 90.50.1(2)

Architecture	Required	Proposed
All elevations for new structures and multi-story additions (additions greater than fifteen (15) feet in height)	Minimum of 10% wall openings including windows, doors or transitional spaces defined by porches, porticoes or colonnades.	Elevations exceed 10% wall openings

Roof materials are limited as follows:	<ul style="list-style-type: none"> a. Clay Tile; or b. White concrete tile; or c. Solid color cement tile which color is impregnated with the same color intensity throughout, provided said color if granted approval by the Design Review Board; d. Architecturally embellished metal if granted approval by the Design Review Board; or e. Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board. 	Roof deck will consist of pavers and a green roof system. The deck will have a removable Sukkah to be used during Sukkot. This will be restricted to the week of the holiday, plus three days before and three days after for setup and removal.
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Sec. 90.50.2 (3)

Roof Deck Provisions	Required	Proposed
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	23%
	b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;	40 feet
	c. Minimum setback of 10 feet from the roofline on all sides	10 feet

Sec. 90.51(1)

Maximum frontage of buildings	Required	Proposed
H40	For every 75 feet, a minimum 6 foot change in wall plane	After 70 feet there is a 17 foot horizontal change in wall plane

Sec. 90.61.1

Paving in front and rear yards in H40 Districts	Required	Proposed
Front setbacks, amount that may be paved with any type of material that is not readily permeable by rainwater and groundwater.	Maximum 50% paved	22% paved
Front Yard Landscaping	Minimum 30%	78% landscaped
Rear Yard Landscaping	Minimum 20%	54% landscaped

Sec. 90.67.2

	Required	Proposed
Underground utilities	All utilities including telephone, cable, and electrical systems shall be installed underground.	<p>The Applicant will fund and perform the necessary engineering studies for the following improvements:</p> <p>A. Undergrounding of utilities, including but not limited to phone, cable, electric and street light conductor, including providing any necessary easements to place the transformers where necessary.</p>

		<p>B. Potentially relocating utilities, including water and gas lines as necessary to accommodate the undergrounding project.</p> <p>C. Performing a drainage analysis and implement the necessary drainage improvements.</p> <p>D. Performing a pavement analysis and implement the necessary pavement improvements.</p> <p>E. Analyzing the water line in the alley and determine if line needs to be repaired, replaced or upsized.</p> <p>F. Providing street lighting.</p> <p>G. Providing a traffic evaluation of operations in the alley (including a no left turn sign).</p>
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Sec. 90.77(c)

	Minimum Required	Proposed
Off-Street Parking	203 Spaces	102 Spaces, of which 20 are tandem. 101 Spaces are proposed to be paid into the Parking Trust Fund

Sec. 90.83

Off-Street Loading	Minimum Required	Proposed
10,000 -60,000 square feet	1 spaces on site	1 space on site

Sec. 90.91

Vegetative Provisions	Minimum Required	Proposed
Xeriscape in pervious area	50%	74%

Sec. 90.91.2

Buffers	
Landscape buffer adjacent to streets and abutting properties	Application meets or exceeds all requirements.

Sec. 90.93

Open Space	
Landscaping along all buildings and structures, shrubs and trees required in open space	Application meets or exceeds all requirements.

SPECIAL EXCEPTION

SPECIAL EXCEPTION

Section 90-37 of the zoning code states that in cases of uncertainty regarding whether or not a use is permitted, the classification of any use not specifically named in the regulations may be presented to the Planning and Zoning Board for a recommendation to the Commission for final action.

The existing facility has a preschool component. The application includes an expansion of the preschool for a total number of 225 students. The zoning code permits public schools in this zoning category, but a preschool is not specifically stated as a permitted use. Preschools are often ancillary uses to a religious institution. Staff has researched the approval process for the existing facility and cannot determine the procedure in which the existing preschool was permitted.

The Planning and Zoning Board shall provide a recommendation to the Commission to determine if the preschool should be considered a permitted use.

DEVELOPMENT IMPACT COMMITTEE SUMMARY

DEVELOPMENT IMPACT COMMITTEE MEETING

The Development Impact Committee (DIC)* met on October 17, 2013 and January 9, 2014 to discuss the application for The Shul ("the Project"). The DIC meetings were attended by the following:

Staff Attendees: Michael Crotty, Town Manager
 Joe Kroll, Public Works
 Linda Miller, Town Attorney
 Sarah Johnston, Assistant Town Attorney
 Nancy Stroud, Consulting Attorney
 Tim Milian, Parks and Recreation
 Ross Prieto, Building Official
 Sarah Sinatra Gould, Town Planner
 Donald Nelson, Finance Director
 David Allen, Chief of Police

Applicant Attendees: Stan Price, Bilzin, Sumberg
 Rabbi Lipskar, Shul
 Mitch Feldman, President, Shul
 Yankie Andrusier, Owners Representative, Shul
 Marc Sheridan, Shul

Citizen Attendees (who signed in): None

The purpose of the DIC meeting is to discuss impacts of the projects and any mitigation efforts offered by the property owner. The following outlines the discussion items, however, as the conditions have been finalized, there have been changes and modifications to the items below. The following items are intended to act as minutes for the meeting. Numbers 15-18 are voluntary proffers that were initially discussed at the October 17, 2013 meeting. A resolution was not met at the October 17, 2013 meeting as to the conditions relating to these three proffers. Therefore, a second DIC meeting was held on January 9, 2014. The outstanding proffers were discussed and finalized. Also discussed at this meeting were specific concerns relating to deadlines for completion of tasks or submittal of requirements. Staff and the applicant came to an agreement on appropriate timeframes, which is reflected in the Resolution. The final negotiated proffers are also provided in the Resolution.

-
1. *Applicant indicated they will have an agreement with Bay Harbor Islands to provide parking for special events at the Shul. Staff stated that the code permits off-site parking within a 300 foot radius. The off-site parking in Bay Harbor Islands is not within this radius, but the Applicant indicated they will be utilizing shuttles. Shul stated they will be paying a portion of the off-site requirement into the parking fund and utilizing the Bal Harbour shops to meet the 300 feet requirement. This was the first time Staff heard this scenario and will need to investigate. Staff did notify the applicant that if this scenario were permitted, confirmation from Bay Harbor Islands of the off-site parking would need to be submitted to the Town.*

2. *The Town referenced a parking study completed by the Village Bal Harbour, which indicates there is not excess parking to meet the off-site needs of the Shul. The applicant indicated the report is incorrect and does not effectively reflect their request.*
3. *Prior to application for the initial building permit the Applicant agreed to submit a construction parking plan providing off-street parking for construction workers during the period of construction of the Shul Project to the Town manager for review and approval.*
4. *Staff indicated that the preschool is not an expressed use in the Town code and therefore would require a Special Exception for the Town Commission to confirm if the use is appropriate. The Applicant indicated that under RLUIPA, a preschool would also fall under a place of public assembly. Staff indicated they would research the issue further.*
5. *The Applicant agreed to provide a transportation operational plan to be adopted prior to Building Permit for drop off and pick up for children approved by Police Chief during the construction of the addition.*
6. *The Applicant agreed to provide valets when the parking garage is in use.*
7. *The Applicant agreed to provide a wall between hotel and the Shul prior to construction. This wall shall be the first construction element.*
8. *The Applicant was notified that the Town will request the Shul to design the addition with all of the energy requirements necessary to obtain the equivalency of LEED Certification, at the time the plans are submitted for building permit. The Town shall provide similar language utilized in the Chateau's condition of approval to the Shul for their review.*
9. *The Applicant agreed to cap the student enrollment at the preschool to 225 students.*
10. *Staff indicated the following improvements will be required for the alley*
 - a. *Undergrounding of utilities, including providing any necessary easements to place the transformers where necessary.*
 - b. *Potentially relocating utilities, including water and gas lines as necessary to accommodate the undergrounding project*
 - c. *Perform a drainage analysis and complete the necessary improvements*
 - d. *Perform a pavement analysis and complete the necessary improvements*
 - e. *Analyze the water line in the alley and determine if line needs to be repaired, replaced or upsized*
 - f. *Provide street lighting*
 - g. *Traffic evaluation of operations in the alley (no left turn sign).*
11. *The Applicant agreed to provide a construction plan describing how the water line will remain operable for the businesses throughout the alley during construction.*
12. *Timing of the signal at 95th Street was discussed. FDOT will need to be including in discussions of modifications to the timing of the signal for better traffic flow.*
13. *The Applicant shall provide an off-duty police officer during construction for events and pre-school drop off.*
14. *The Applicant indicated there would be an 18 month construction schedule.*
15. *A PILOT for resort tax was discussed. The Town offered to review the last 3 years of catering fees and base the PILOT on those amounts. This would require an annually reviewed agreement. The PILOT will apply to outside catering facility agreements (not Shul functions), which would be based on affidavits provided yearly basis. The Applicant discussed having the caterer set aside 2% to the Town instead as part of the agreement. This needs further analysis from both Staff and the Applicant.*

16. \$250,000 to underground utilities in the alley – No agreement finalized. The overall alley improvements include a requirement to underground the utilities.
17. \$175,000 for Phase II of the 95th Street Project – No agreement finalized. The Applicant wants a budget for 95th Street improvements to determine if the \$175,000 is their proportionate fair share and what other developers paid for their contributions. They asked if they can phase in their payments and to discuss a fair phasing plan.
18. \$100,000 for Downtown beautification – No agreement finalized. The Applicant does not feel that the improvements to downtown will directly benefit the Shul and asked to see if beautification funds can be a direct benefit to the Town and Shul alike, such as paying for beautification on Collins Avenue.

There have been discussions and revisions to the above conditions, which have been included in the attached resolution. If the resolution is recommended by the Planning and Zoning Board to the Town Commission, it will become a covenant running with the property as part of the Development Order. The Planning and Zoning Board and the Town Commission may modify any of the conditions and/or request additional conditions to be included in the Development Order.

***NOTE:** The DIC meetings are televised on the Town's Channel 77 and are publicized on the Town's website and Town Hall.

PLANNING AND ZONING BOARD RESOLUTION

RESOLUTION NO. 14-Z-0__

A RESOLUTION OF THE PLANNING AND ZONING BOARD OF THE TOWN OF SURFSIDE, FLORIDA, RECOMMENDING FOR APPROVAL A SITE PLAN APPLICATION, PURSUANT TO SECTION 90-41 ET SEQ. OF THE ZONING CODE, AND A SPECIAL EXCEPTION FOR A PRESCHOOL, PURSUANT TO SECTION 90-37 OF THE ZONING CODE TO PERMIT A 5,122.9 SQUARE FOOT MULTIPURPOSE ROOM AND A 51,850 SQUARE FOOT THREE STORY CLASSROOM FACILITY, INCLUDING AN EXPANSION OF THE EXISTING PRESCHOOL AND EXCLUDING A SCHOOL, AS SUBMITTED BY THE SHUL, SUBJECT TO CERTAIN CONDITIONS WHICH SHALL BE INCLUDED IN A RECORDED COVENANT RUNNING WITH THE LAND, AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

I. RECITALS.

WHEREAS, The Shul, (the “Applicant”), owner of the property located at 9540 Collins Avenue, Surfside, FL 33154, with a general location of the west side of Collins Avenue and 95st Street, Surfside, FL, (the “Property”) submitted an application to the Town of Surfside, Florida (the “Application”) on July 27, 2012 requesting approvals for the development of the Property, consisting of an application for site plan approval and an application for special exception approval (the development hereinafter “the Project”) as set forth below:

- A. Pursuant to Section 90-41 et seq., of the Town Zoning Code, site plan approval of a 5,122.9 square foot multipurpose room and a three story classroom facility, including an expansion of the existing preschool.
- B. Pursuant to Section 90-37(2) of the Town Zoning Code, special exception approval for a preschool up to a maximum capacity of 225 students.

Plans are on file and may be examined in the Building Department entitled The Shul, which plans may be modified at public hearing (hereinafter referred to as the “Plans”), prepared by Shapiro Associates submitted on January 22, 2014 and consisting of a set of sheets including the following:

Architecture sheets: A1.0 Ground/Site Plan, A1.01 Site Plan Pervious Area, A2.0 Parking Level, A2.01 Parking Level, A3.0 Ground Floor, A3.01 Ground Floor, A3.02 Existing Atrium Plans, A4.0 Existing Second Floor, A4.01 Second Floor, A5.0 Third Floor, A6.0 Roof Plan, A7.0 Exterior Elevations, A7.01 West Elevation, A8.0 Exterior Lighting Plan, A.01 The Shul Northeast View from Collins Avenue, A.02 Pictures, A.03 Pictures.

Prepared by: Jaime Shapiro of Shapiro and Associates.

Survey sheet: Revised field work, January 8, 2013

Prepared by: Jose A. Perez of Continental Land Surveyors, Inc.

Civil sheets C-1 Preliminary Grading & Drainage Upper Level Plan, C-2 Preliminary Grading & Drainage Lower Level Plan, C-3 Preliminary Water & Sewer Plan

Prepared by: Susan Holland of Holland Engineering, Inc.

Landscape architecture sheets L-1 Tree Survey & Disposition Plan, L-2 Plant List & Landscape Requirements, L-2.1 Planting Details, L-3 Planting Details, IR-1 Irrigation Plan, IR-2 Roof Level Irrigation Plan

Prepared by: Rhett Roy Landscape Architecture Planning, P.A.

Legal Description: See attached Exhibit "A" "Legal Description"

ADDRESS: 9540 Collins Avenue, Surfside, FL 33154

WHEREAS, on August 22, 2012, February 13, 2013, March 28, 2013 and July 18, 2013, the Town's Development Review Group, pursuant to the Town's Zoning Code Section 90.20, met to review the site plan application and provide technical comments to the Town staff and to the Applicant; and

WHEREAS, the Town's Development Impact Committee, after advertised notice and notice posted on the Town's website, met on October 17, 2013 and January 9, 2014 and during the televised meeting, reviewed the Application and made recommendations to the Town's Planning and Zoning Board in accordance with the criteria set forth in the Town's Zoning Code Section 90.20. Its recommendations for approval, subject to certain conditions set out in the Development Impact Committee Report, are incorporated herein under Section IV. Conditions, and, together with all other conditions imposed by the Planning and Zoning Board and the Town Commission, shall be accepted by the Applicant and owner of the Property and their heirs, successors and/or assigns, and shall be made part of a recorded covenant running with the land; and

WHEREAS, on February 27, 2014, the Planning & Zoning Board, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application and hearing from its professional staff, the Applicant, and members of the public, considered the requirements of Section 90-41 et seq. of the Town Zoning Code for Site Plan Approval and Section 90-37(2) of the Town Zoning Code for Special Exception Approval and the Application's consistency with the Town of Surfside's Comprehensive Plan and recommended the Application for approval by the Town Commission, subject to all of the conditions recommended by the Development Impact Committee and the additional conditions of approval incorporated herein under Section IV. Conditions; and

WHEREAS, on _____, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, after reviewing the Application, the recommended conditions, and all accompanying documentation, including written reports from its Town

Planner and other consultants, and hearing from its professional staff, the Applicant, and members of the public, found substantial competent evidence that the Applicant's requests for site plan approval and approval of the special exception is in compliance with the Zoning Code and the Comprehensive Plan of the Town and maintain the basic intent and purpose of the zoning, subdivision or other land use regulations, which are to protect the general welfare of the public, particularly as it affects the stability and appearance of the community; and, further, found that said requests should be granted, per plans on file, and subject to all of the conditions set forth in this Resolution, which shall be binding upon the Applicant, its heirs, successors and/or assigns, and the execution of any attendant agreements, including a covenant running with the land in a form approved by the Town Attorney, and with a time limitation of twenty-four (24) months in which to obtain a building permit, subject to extensions as provided in Condition No. 36 of this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD OF THE TOWN OF SURFSIDE, FLORIDA, APPLICABLE TO APPLICANT, ITS SUCCESSORS AND/OR ASSIGNS, RECOMMENDS APPROVAL TO THE TOWN COMMISSION AS FOLLOWS:

II. INCORPORATION OF RECITALS AND FINDINGS OF FACT.

- A. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.
- B. The Planning and Zoning Board, after review finds that the proposed Site Plan, with the conditions as recommended herein, is in compliance with the requirements and criteria set forth in sections 90.41 et seq., of the Zoning Code of the Town of Surfside.
- C. The Planning and Zoning Board finds that the proposed Special Exception, with the conditions as recommended herein, is an accessory use to The Shul and is in keeping with uses specifically listed in the district as required by Section 90-37 "Special Exceptions" of the Zoning Code of the Town of Surfside.

III. APPROVALS.

- A. The approvals set forth in this Section III are subject to all of the conditions set forth in this Resolution and the execution of all attendant agreements prior to the issuance of the initial building permit for the Project.
- B. The Applicant's request for approval of the site plan submitted for the property known as the "The Shul" located at 9540 Collins Avenue, with a general location of the west side of Collins Avenue and 95th Street be, and the same is, hereby granted and said site plan is hereby approved, subject to all of the conditions provided in this Resolution. The failure of performance of any of these conditions shall be deemed grounds for revocation of this approval.

C. The Applicant's request for approval of a special exception use for a preschool up to a maximum capacity of 225 students as an accessory use to The Shul on the west side of Collins Avenue and 95th Street be, and the same is, hereby granted subject to all of the conditions of approval related to the preschool use as provided in this Resolution.

IV. CONDITIONS.

AGREED UPON CONDITIONS:

1. Prior to consideration of the application by the Town Commission, the Applicant's counsel shall provide a legal opinion that the application does not violate the terms of Section 4 of the Town Charter, the Town's Comprehensive Plan and the Town's Zoning Code or in lieu thereof provide an agreement from Applicant in a form sufficient and acceptable to the Town Attorney to defend and hold harmless/covenant not to sue the Town against any suits, claims or demands arising from approval of the application for special exception approval and site plan approval. The hold harmless/covenant not to sue shall be to the benefit of the Town and not to any third party.
2. The Applicant shall provide the Town with a detailed estimated schedule for the construction of the Project (the "Construction Schedule"), including but not limited to all improvements to the alley, within sixty (60) days of approval of the Application by the Town Commission. Failure to meet the estimated achievement dates stated on the Construction Schedule shall not excuse any delay in making the mandatory payments by the dates required by the dates set forth in this Resolution. Further, the Applicant shall provide, prior to issuance of the initial building permit, a transportation plan for access to The Shul during construction. This plan must include a specific operations plan for the arrival and dismissal of students. Said transportation plan shall be approved by the Chief of Police in his sole discretion. The plan shall be modified as necessary during construction to provide for continued safe access subject to approval of the Chief of Police.
3. Within ninety (90) days of approval of the Application, the Applicant shall submit a clause for the approval of the Town Manager and Town Attorney, which clause shall be included in all contractor and subcontractor agreements applicable to this development and which states that all construction workers are prohibited from parking on residential streets or public parking lots. Prior to application for the initial building permit the Applicant shall submit a construction parking plan providing off-street parking for construction workers during the period of construction of The Shul Project to the Town Manager for review and approval. The construction parking plan shall provide: (a) Applicant's general contractor shall direct all workers to park at off street sites; (b) no workers shall park their vehicles in residential neighborhoods; and (c) Applicant shall provide monthly reports to the Town Manager of any problems or complaints with regard to workers parking their vehicles off site and in residential neighborhoods and, as

the Town Manager may deem necessary, shall provide more frequent reports and develop additional preventive measures to protect the residential neighborhoods.

4. Applicant agrees to provide a construction plan describing how the water line will remain operable for the businesses adjacent to the alley during construction of the
5. The Applicant shall furnish payment and performance bond, cash or letter of credit issued in a form and by a bank reasonably acceptable to the Town and not to exceed five percent of the construction cost, as required by the Building Official. These funds shall be used to secure property and construction site in the event construction is abandoned, or ceases prior to completion, or to repair public infrastructure damaged by construction, and to maintain the site during abandonment. The bond or cash equivalent shall be posted prior to the issuance of the initial building permit. The final determination regarding what property shall be replaced will be in the reasonable determination of the Director of Public Works. The Director of Public Works and the Building Official shall determine the amount jointly. Any such bond shall be issued by a surety having a minimum rating of A-1 in the Best's Key Rating Guide, Property/Casualty edition, shall be subject to the approval of the Town and shall include this legend: "This bond may not be cancelled or allowed to lapse until 30 days after receipt by the Town, by certified mail, returned receipt requested, addressed to: "Town Manager with a copy to: Town Attorney, both addressed to: Town of Surfside, 9293 Harding Avenue, Surfside, FL 33154-309" of written notice from the issuer of the bond of its intent to cancel or to not renew." As improvements are made, the Town, within its reasonable discretion, may reduce or eliminate the bond amount. These rights reserved by the Town with respect to any construction bond established pursuant to this section are in addition to all other rights and remedies the Town may have under this Resolution, in law or in equity.
6. The Applicant shall submit plans for the construction of an appropriate barrier between the construction site and adjoining properties in order to minimize blowing of sand and dust and construction debris. The Applicant shall comply with the regulations of the Code of the Town of Surfside relating to construction site operations including construction hours and fencing. The Applicant will use its good faith efforts to minimize vibration and noise during construction of the project.
7. The Applicant shall provide a construction fence with a windscreen, as required by the Town Code. The windscreen shall display a rendering of the project.
8. An irrigation plan shall have been approved by the Town prior to issuance of the first building permit.
9. The Applicant shall design The Shul Project with all of the energy requirements that are equivalent to LEED Silver Certification, as certified by Applicant to the satisfaction of the Town Building Official at the time the plans are submitted for

the initial building permit. The Shul shall provide a letter to the Town from its design professional stating how the design meets the criteria equivalent to LEED Silver Certification. Applicant acknowledges and agrees that the Town Manager, at his sole discretion, may retain a consultant to certify that compliance with the plans as submitted shall match or exceed all of the energy requirements necessary to obtain the equivalency of LEED Silver Certification, and that Applicant shall reimburse the Town for the reasonable charges of the consultant.

10. The Applicant shall meet all requirements of the Department of Public Works for the location and design of trash containers prior to the issuance of the initial building permit. A recycling plan shall be submitted prior to the issuance of the initial building permit. Sixty days prior to submittal of its request for a demolition permit, Applicant shall submit a demolition plan to Town Manager and Town Building Official that meets all Federal, State, and local requirements and that recycles a minimum of eighty percent (80%) of the demolition material.
11. Applicant agrees to provide a wall or opaque fence between hotel and the Shul prior to construction. This wall shall be the first construction element.
12. All pedestrian features shall comply with the Americans With Disabilities Act (ADA), including but not limited to detectable warning features at driveway locations and be identified with details of ADA conforming handicapped ramps at the time of engineering permit.
13. Any new sidewalk, curbs, and gutter along Collins Avenue must be approved and permitted by the Florida Department of Transportation ("FDOT"). Proof of a FDOT permit shall be required prior to any work being performed within the Collins Avenue right-of-way. Any new sidewalk and curb and gutter along 95th Street must be approved and permitted by Miami-Dade County.
14. The Applicant shall discuss the timing of the signal at 95th Street with FDOT, including discussion of modifying the timing of the signal for better traffic flow.
15. The Applicant shall reimburse the Town for any work performed by the Town resulting from the Applicant's need to provide water and sewer service along Collins Avenue, 95th and 96th Streets, and Harding Avenue. Any work necessary within the FDOT ROW shall comply with FDOT regulations.
16. The Applicant shall provide utility fees to the Town of Surfside in the amount prescribed in the Code Section 78-83 and calculated using all fixtures in the buildings. Said fee shall be paid at the issuance of the Building Permit. There shall be no off-set for existing fixtures to the extent provided by Town Code.
17. The Applicant shall meet all requirements of the Department of Public Works and Miami-Dade County for water, sewer, and storm drainage services.

18. The Applicant shall comply with all applicable conditions and permit requirements of Miami-Dade County's Department Regulatory and Environmental Resources, the Miami-Dade County Fire/Rescue Department, the Miami-Dade County Water and Sewer Department, Florida Department of Environmental Protection (FDEP), the FDOT and all other applicable regulatory agencies. Applicant shall provide copies of approvals from Miami Dade County's Department Regulatory and Environmental Resources for storm water, FDEP for storm drainage well, and FDOT for Driveway / Drainage Connection(s) permit prior to any construction taking place. Applicant shall pay all applicable fees prior to building permit.
19. The Applicant will fund and perform the necessary engineering studies within thirty (30) days of approval of this Resolution for the following improvements. Prior to undertaking any engineering studies, the Applicant shall provide a scope of the study to the Town for its approval. Subject to Town approval of the engineering studies and plan for implementing the improvements, Applicant shall implement at its cost the following improvements for the alley to accommodate the Project.
 - A. Undergrounding of utilities, including but not limited to phone, cable, electric and street light conductor, including providing any necessary easements to place the transformers where necessary.
 - B. Potentially relocating utilities, including water and gas lines as necessary to accommodate the undergrounding project.
 - C. Performing a drainage analysis and implement the necessary drainage improvements.
 - D. Performing a pavement analysis and implement the necessary pavement improvements.
 - E. Analyzing the water line in the alley and determine if line needs to be repaired, replaced or upsized.
 - F. Providing street lighting.
 - G. Providing a traffic evaluation of operations in the alley (including a no left turn sign).
20. The Applicant shall maintain an interactive website during construction and provide for a maximum of 24 hour response complaint/response mechanism for nearby property owners.
21. The Applicant shall provide an off-duty police officer during construction for events and preschool drop-off.
22. The Applicant agrees to cap the student enrollment at the preschool to 225 students.

23. The Project shall provide valet parking service for all special events requiring parking in excess of the spaces provided in The Shul's parking garage.
24. The Applicant shall obtain permits required by the Code for special or holiday events. The Applicant shall provide an annual calendar and monthly calendars of such events to the Town and coordinate such events through the Parks and Recreation Department. The use of a removable Sukkah the roof deck will be restricted to the week of the holiday, plus three days before and three days after for setup and removal.
25. Within 5 days of each event at which catering services are provided, the Applicant shall provide to the Town the name and contact information of the caterer and the date of the event. The Applicant shall ensure that the caterer remits payment of the Town resort tax to the Town by requiring as a condition to any contract for catering services that the caterer remit payment of the resort tax directly to the Town within 30 days of the event.
26. The Applicant shall provide educational tours for the community. The Applicant will control the times and number of such event. The Town will coordinate these events with the Applicant.
27. The Applicant shall replace any dead or dying plant material within 30 days of the first indication that the plant material is dying.
28. All stationery and Temple references shall be to The Shul and not to The Shul of Bal Harbour.
29. The Applicant shall contribute \$100,000 of the project cost for Phase II of the 95th Street Project from Collins Avenue to Harding Avenue. The 95th Street Project includes but is not limited to landscaping and streetscape improvements along 95th Street from Harding Avenue to Bay Drive. Upon award of the construction contract by the Town, Applicant shall pay one-half of the total contribution, with the remaining contribution amount to be paid when the 95th Street Project is complete.
30. The Applicant will purchase one hundred and one (101) parking spaces from the Town at a cost of \$22,500, per parking space, for a total contribution to the Parking Trust Fund of \$2,272,500, as follows:
 - A. Parking Trust Fund Cost: one hundred and one (101) spaces x cost of \$22,500
 - B. Required Contribution: \$2,272,500 contribution
 - C. Parking Trust Fund Terms: Applicant shall pay the required contribution by making 30 equal annual payments, each in the amount of 1/30th of the total amount.

- D. Payment Due: The first payment will be due when the Applicant requests a Certificate of Use from the Town. Subsequent payments shall be due on the same month and day of each following year.
 - E. Payments shall be made until the total required contribution is met or until the Applicant and the Town (and such other parties as may join in the partnership) reach an agreement for a public-private partnership for the construction of a parking facility, which pursuit of a public-private partnership shall be in the sole discretion of the Town.
31. All voluntary proffers and commitments made to the Town of Surfside pursuant to the Resolution and these Conditions shall be binding upon Applicant, its heirs, successors and assigns, and, as to payments, shall be due and payable, or in the event of an action, shall be performed, in strict compliance with the manner and within the time frames set forth in these Conditions and any change in ownership, or modification of the site plan or design, whether substantial or minor in nature, shall not excuse the performance or the payments, all of which are part of the Conditions subject to which the Applicant's request for site plan approval and special exception approval were granted.
32. No building permits shall be issued (except for demolition, temporary power and construction trailers) unless the Applicant has submitted all documents required under this approval as of that date, in form and content subject to the approval of the Town Attorney and Town Manager, and shall have paid all professional and other payments required by the Code of the Town of Surfside to be paid as of that date, including but not limited to, the connection and development fees in accordance with Section 78-83 of the Code of the Town of Surfside, entitled "development fee imposed; time of payment" are paid.
33. The Town Manager or his designee, in review of any application prior to the issuance of a building permit or thereafter, if there are any material amendments to the site plan approval, may refer any such application presented to such engineering, planning, legal, technical or environmental consultant or professional(s) employed by the Town as the Town Manager shall deem reasonably necessary to enable him to review such application as required by law. Charges made by the Town shall be in accord with reasonable hourly rates made by such consultants or the hourly rates of employed professionals and shall be paid by Applicant within thirty (30) days of submission of a Town voucher to Applicant. Determination of whether a change is considered material or minor shall be in the sole discretion of the Town Manager in the absence of controlling language in the Town's Zoning Code. The use of the buildings for a school, college or yeshiva shall be considered a material change and require a site plan amendment. A material change shall be processed in the same manner as the original site plan. A minor change shall be reviewed and approved by the Town Manager or, in his sole discretion, may be referred to the Town Commission for review and approval in the same manner as the original site plan.

- 34. Prior to issuance of the initial building permit, Applicant shall execute a recordable covenant running with the land, binding upon its heirs, successors and assigns, subject to the approval of the Town Attorney, which shall be recorded in the public records of Miami-Dade County, Florida at Applicant's sole expense, which shall include all of the conditions and provisions required by this Resolution. This recorded covenant may be amended from time to time and shall be re-recorded at the Applicant's sole expense after approval by the Town Attorney. Such amendments shall occur each time any modifications or changes are made to this Resolution. If minor changes are made to the original site plan, the covenant shall be amended as set forth above if, in the opinion of the Town Manager or the Town Attorney, such changes require changes to the recorded covenant.

Other Conditions:

- 35. The Applicant shall obtain a Certificate of Occupancy and Certificate of Use from the Town upon compliance with all terms and conditions of this Resolution. The Certificate of Occupancy and Certificate of Use shall be subject to cancellation upon violation of any of the conditions of this Resolution, in accordance with the law.

- 36. The site plan shall remain valid for a period of 24-months from the date of approval of this Resolution by the Town Commission. If no building permit is issued within the 24-month time period, the site plan shall be considered null and void and of no force and effect unless extensions of time are requested and obtained pursuant to law.

IV. SEVERABILITY CLAUSE. In the event any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no way affect the remaining portions of this Resolution, which shall remain full force and effect.

V. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

PASSED and ADOPTED on this ___ day of _____2014.

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

FINAL VOTE RECOMMENDATION FOR ADOPTION:

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

Lindsay Lecour, Chair

ATTEST:

Sandra Novoa, CMC
Town Clerk

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


Linda Miller, Town Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 2, 3, 4, 5, 6, 7, 8 and 9 BLOCK 3
SUBDIVISION ALTOS DEL MAR NO. 6
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAY BOOK 8 AT PAGE 106
OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA
9512-9524-9532-9540-9550 AND 9560 COLLINS AVENUE
SURFSIDE, FL 33154

APPLICATIONS AND LETTERS OF INTENT



TOWN OF SURFSIDE
MULTI-FAMILY AND NON-RESIDENTIAL DESIGN REVIEW APPLICATION
 (Signs, awnings, store fronts, fences, and walls etc)

A complete submittal includes all items on the "Multi-family and Non-Residential Design Review Application Submission Checklist" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in ink or type on this application form.

<u>PROJECT INFORMATION</u>	
OWNER'S NAME	THE SHUL OF BAY HARBOUR INC.
PHONE / FAX	P. 305.868.1411 F. 305.861.2426
AGENT'S NAME	JAMIE SCHAPIRO AIA
ADDRESS	1150 KANE CONCOURSE, BAY HARBOUR FL. 33154
PHONE / FAX	PH. 305.866.7374 F. 305.866.7474
PROPERTY ADDRESS	9540 COLLINS AVE. SURFSIDE FL. 33154
ZONING CATEGORY	
DESCRIPTION OF PROPOSED WORK	NEW MULTIUSE GLASS ATRIUM AND JOINING LEARNING CENTER (3 STORIES)

<u>INTERNAL USE ONLY</u>			
Date Submitted	_____	Project Number	_____
Report Completed	_____	Date	_____
Fee Paid	\$ _____		

<u>ZONING STANDARDS</u>	Required	Provided
Sign Area (if applicable)	_____	_____
Awning Size (if applicable)	_____	_____
Fence Height (if applicable)	_____	_____
Wall Height (if applicable)	_____	_____

JCC AS OWNERS REP 7-20-12

 SIGNATURE OF OWNER DATE

[Handwritten Signature]

 SIGNATURE OF AGENT 7.20.12
 DATE



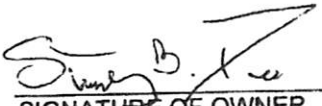
**TOWN OF SURFSIDE
SPECIAL EXCEPTION APPLICATION**

A complete submittal includes all items on the "Submission Checklist for Special Exception" document as well as completing this application in full. The owner and agent must sign the application with the appropriate supplemental documentation attached. Please print legibly in link or type on this application form.

PROJECT INFORMATION	
OWNER'S NAME	Shul of Bal Harbor, Inc., a Florida non-profit corporation
PHONE/FAX	305-350-7234
AGENT'S NAME	Eric Stein
ADDRESS	9540 Collins Ave.
PHONE/FAX	305-350-7234
PROPERTY ADDRESS	9540 Collins Ave.
ZONING CATEGORY	H-40
DESCRIPTION OF SPECIAL EXCEPTION (please use separate sheet)	Special Exception to permit a pre-school as an ancillary use to a religious facility.

INTERNAL USE ONLY			
Date Submitted	_____	Project Number	_____
Report Completed	_____	Date	_____
Comments	_____		

CRITERIA	(Please use separate sheet to respond to "a" or "b")
a.	Nonconforming uses as follows:
i.	A nonconforming use now existing in any part of a building to be extended vertically or laterally to other portions of the building.
ii.	To determine the existence of a nonconforming use.
b.	Other special use exceptions as follows:
i.	To determine, in cases of uncertainty, the classification of any use not specifically named in these regulations; provided, however, such use shall be in keeping with uses specifically listed in the district.


 SIGNATURE OF OWNER
 ATTORNEY IN FACT
 DATE 2/4/14


 SIGNATURE OF AGENT
 DATE 2/14/14



Stanley B. Price
 Tel: 305-350-7234
 Fax: 305-351-2216
 sprice@bilzin.com

February 4, 2014

VIA EMAIL

Ms. Sarah Sinatra Gould, AICP
 Planning Department Manager
 Planning and Zoning Department
 Town of Surfside
 9293 Harding Avenue
 Surfside, FL 33154

*Re: Shul of Bal Harbour, Inc., a Florida non-profit corporation
Property Location: 9450 Collins Avenue, Surfside, Florida*

LETTER OF INTENT

Dear Ms. Gould:

Please accept this correspondence to our formal Letter of Intent in connection with your Department's rules and regulations for filing a Special Exception application ("Application"). This firm represents Shul of Bal Harbour, Inc, a Florida non-profit corporation (hereinafter the "Applicant"), the owner of approximately 0.46± acres of land located at 9450 Collins Avenue (collectively referred to hereinafter as the "Property").¹

The existing synagogue is proposing an expansion consisting of additional parking spaces, a multi-purpose room, adult classroom spaces and pre-school classroom spaces for biblical study which are all ancillary to the existing religious facility. In accordance with the land development code the Applicant respectfully requests a special exception to permit a pre-school as an ancillary use to an existing religious facility on the Property. A religious school has been operating on this property for many years; religious schools are ancillary uses to houses of worship.

Since the Town of Surfside's ("Town") land development regulations do not address pre-school uses, it has been determined by the Town's attorney that since the proposed use is not specifically named in the regulations the Applicant is require to request a special exception for the pre-school

¹ For a more particular description of the Property, please refer to the legal description attached hereto and incorporated herein as Applicants Exhibit "A".

Ms. Sarah Gould
 Page 2
 February 4, 2014

use. However, a school is a place of public assembly as define in the Town's Code of Ordinances and should not be subject to a Special Exception Application.

Pursuant to Section 90-37(2) of the code, in order to authorize a special exception use from the terms of these land development regulations, the Town commission may granted said use when finding that:

(2) Other special use exception as follows;

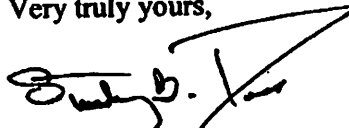
- i. To determine, in the cases of uncertainty, the classification of any use not specifically named in these regulations; provided, however, such use shall be in keeping with the uses specifically listed in the district.

Private educational facilities are not address in the town's code, the pre-school use in keeping with the uses specifically listed for the district. The town's Comprehensive Master Plan and the Land Development Regulations under Section 90-41 permits public schools in the same district (H-40) in which the Applicant is proposing the pre-school. It is safe to say that a public school is a more intense use than the use being proposed in this application.

The proposed pre-school will be an ancillary use that serves to address both the need of the congregation as well as servicing the immediate neighborhood, which is primarily comprised of middle class families residing in single-family and multifamily developments. The pre-school will provide parents with an option that would further their children's religious and secular educational needs.

Based on the foregoing, we respectfully request a departmental recommendation supporting the Application. As always, we want to answer any questions or provide any additional information or documentation that you might find helpful. If we can be of assistance, please do not hesitate to contact me at (305) 375-6139. Thank you for your consideration.

Very truly yours,



Stanley B. Price, Esquire

3972835.1 80299/42345

SITE PLAN PACKAGE



Town of Surfside Commission Communication

Agenda

Agenda Date: February 11, 2014

Subject: Electric Vehicle Car Charging Stations

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 electric vehicle car charging stations (charging station). Surfside is leading the way for green policies by installing a charging station within a municipal lot. However, the Town Code does not address charging stations relating to the type, level and specification of the charging station. There are three levels. Level 1 is a low voltage level of charging that is typical for single family charging stations due to the length of time it may take for charging. While Level 2 and 3 are higher voltage, resulting in quicker vehicle charging. These two levels are more appropriate than Level 1 in a shared parking environment, such as a public lot or multifamily/hotel garage. The Town's charging station is a Level 2 station.

Analysis: The proposed ordinance text addresses the locations for each level of charging station and permits charging stations in all zoning categories in Town. The ordinance also proposes easy access to 220 volts within parking structures in multi-family and hotel development projects. Below is the proposed text:

Sec. 90.2. Definitions

Electric Vehicle Charging Level: The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged which include the following specifications:

- (1) Level 1 requires a 15 or 20-amp breaker on a 120-volt AC circuit and standard outlet;
- (2) Level 2 requires 40 to 100-amp breaker on a 240-volt AC circuit; or
- (3) Level 3 requires a 60-amp or higher dedicated breaker on a 480-volt or higher three- phase circuit with special grounding equipment. A Level 3 charging shall use an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

Electric Vehicle Charging Station: A parking space that is served by Battery Charging Station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy source device in an electric vehicle.

Sec. 90-41. Regulated uses.

Accessory uses	H30A	H30B	H30C	H40	H120	SD-B40
<u>Electric Vehicle Charging Station</u>	<u>P(26)</u>	<u>P(26)</u>	<u>P(27)</u>	<u>P(27)</u>	<u>P(27)</u>	<u>P(28)</u>
Uses	Municipal		Community Facilities			
<u>Electric Vehicle Charging Station</u>	<u>P (28)</u>		<u>(P28)</u>			

(26) Electric Vehicle Charging Stations shall be limited to personal use and shall not be used for purposes of wholesale or retail sales. All components of the Electric Vehicle Charging Station shall be completely concealed from view, located inside the residential garage. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(27) Electric Vehicle Charging Stations shall contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(28) Electric Vehicle Charging Stations shall be limited to Electric Vehicle Charging Level 2 or Level 3 Electric Vehicle Charging Stations only and contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall include the following: (a) voltage and amperage levels; (b) usage fees, if any; (c) safety information; and (d) contact information to report issues relating to the operation of the equipment. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

Sec. 90-77. Off-street parking requirements

(h) Electric Vehicle Charging Capability.

All new multifamily or hotel development shall provide access to 220 volt capability throughout the garage to offer charging opportunities to residents and guests as needed.

90-71.2—H30C, H40, MU and H120 districts.

A sign shall be posted at the Electric Vehicle Charging Station stating "Electric Vehicle Charging Station." Signs shall be no greater than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sign designation (Electric Vehicle charging).

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

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner



Michael Crotty, Town Manager

ORDINANCE NO. __ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 “ZONING”, AND SPECIFICALLY AMENDING SECTION 90.2 “DEFINITIONS”; SECTION 90-41 “REGULATED USES”; SECTION 90-71.2 “H30C, H40, MU AND H120 DISTRICTS”; AND SECTION 90-77 “OFF-STREET PARKING REQUIREMENTS”; TO ALLOW FOR THE INSTALLATION OF ELECTRIC VEHICLE CAR CHARGING STATIONS; 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”) supports green policies; and

WHEREAS, the Town Commission and Planning and Zoning Board held its joint meeting on September 30, 2013 and discussed and recommended installation of an electric vehicle car charging station within a municipal lot; and

WHEREAS, the Town Code does not address an electric vehicle car charging station relating to the type, level and specification of the charging station; and

WHEREAS, there are three levels of electric vehicle car charging stations; and

WHEREAS, Level 1 is a low voltage level of charging that is typical for single family charging stations due to the length of time it may take for charging; and

WHEREAS, Level 2 and 3 are higher voltage, resulting in quicker vehicle charging; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has recommended that the Town’s electric vehicle charging stations should be limited to Electric Vehicle Charging Level 2 or Level 3 only; and

WHEREAS, the Town Commission held its first public reading on February 11, 2014 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 at the public hearing on February 27, 2014 recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

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

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

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

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

Sec. 90.2. Definitions.

* * *

Electric Vehicle Charging Level: The standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged which include the following specifications:

- (1) Level 1 requires a 15 or 20-amp breaker on a 120-volt AC circuit and standard outlet;
- (2) Level 2 requires 40 to 100-amp breaker on a 240-volt AC circuit; or
- (3) Level 3 requires a 60-amp or higher dedicated breaker on a 480-volt or higher three- phase circuit with special grounding equipment. A Level 3 charging shall use an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

Electric Vehicle Charging Station: A parking space that is served by Battery Charging Station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy source device in an electric vehicle.

* * *

Sec. 90-41. Regulated uses.

Accessory uses	H30A	H30B	H30C	H40	H120	SD-B40
<u>Electric Vehicle Charging Station</u>	P(26)	P(26)	P(27)	P(27)	P(27)	P(28)
Uses	Municipal		Community Facilities			
<u>Electric Vehicle Charging Station</u>	P (28)		(P28)			

(26) Electric Vehicle Charging Stations shall be limited to personal use and shall not be used for purposes of wholesale or retail sales. All components of the Electric Vehicle Charging Station shall be completely concealed from view.

located inside the residential garage. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(27) Electric Vehicle Charging Stations shall contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

(28) Electric Vehicle Charging Stations shall be limited to Electric Vehicle Charging Level 2 or Level 3 Electric Vehicle Charging Stations only and contain a retraction device, coiled cord, or a place to hang cords and connectors above the ground surface. The station shall include the following: (a) voltage and amperage levels; (b) usage fees, if any; (c) safety information; and (d) contact information to report issues relating to the operation of the equipment. The station shall be elevated or designed so that all electrical components are 12 inches above the 100 year flood plain.

* * *

90-71.2—H30C, H40, MU and H120 districts.

A sign shall be posted at the Electric Vehicle Charging Station stating “Electric Vehicle Charging Station.” Signs shall be no greater than 24 inches wide by 18 inches high. Color and letter size specifications shall meet the Manual on Uniform Traffic Control Devices (MUTCD) requirements for sign designation (Electric Vehicle charging).

* * *

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

(h) Electric Vehicle Charging Capability.

All new multifamily or hotel development shall provide access to 220 volt capability throughout the garage to offer charging opportunities to residents and guests as needed.

* * *

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 _____, 2014.


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

TO: Planning and Zoning Board

FROM: Linda Miller, Town Attorney *LM*

COPY: Michael P. Crotty, Town Manager

DATE: February 27, 2014

SUBJECT: Planning and Zoning Board Membership

Background:

In January 2013, the Town Commission approved Ordinance 13-1598 dissolving the Design Review Board (hereinafter "DRB") and merging its function with the Planning and Zoning Board (hereinafter "P&Z Board"). The code change resulted in the P&Z Board now consisting of five members and an unintended consequence of the resignation of the sitting architect for the DRB due to a conflict that resulted from the change.

Per the current ordinance, one of the Board members must be a Florida-licensed architect and at a minimum another, one member, must be a Florida-licensed general contractor, certified planner (AICP), Florida-licensed landscape architect, registered interior designer, or Florida-licensed attorney. However, there is no longer a Florida-licensed architect serving on the P&Z Board, and no licensed landscape architect or certified planner, and therefore, no review of applications submitted for approval have been reviewed and voted upon by architects and design professionals.

The Miami-Dade Commission on Ethics and Public Trust (Ethics Commission) opined that, pursuant to Miami-Dade County Code Section 2-11.1(m)(2), an architect serving on a board whose sole function is to pass on aesthetics of plans submitted is permitted to make presentations to the board on behalf of private client so long as the architect member abstains from voting and is absent from any discussion. The Ethics Commission explained that this ability of such an architect member to sit on the DRB if he recused himself from voting does not apply to the P&Z Board, as the P&Z Board does not serve for the sole function of passing on the aesthetics of plans. Additionally, it does not matter whether the architect is a voting or non-voting member of the P&Z Board as to whether he can serve on the Board while also representing clients before the Board.

At the January 14, 2014, Town Commission meeting the Town Commission directed staff to reinstitute the DRB. The attached proposed Ordinance reinstates the DRB, to be composed of the five P&Z Board members and two additional members, at least one of the two DRB members shall be a Florida-licensed architect or Florida-licensed landscape architect. The second DRB member shall be a Florida-licensed architect or a Florida-licensed general contractor or a certified planner (AICP) or a Florida-licensed landscape architect, or a Registered Interior Designer, or a Florida Licensed attorney. The proposed Ordinance also allows for an appeal process of any DRB decision to the Town Commission.

At the February 11, 2014, the Town Commission passed on first reading the attached Ordinance amending Chapter 90 "Zoning" specifically amending Sections 90-15 "Membership/Quorum, Minimum Qualifications, Officers, Terms of Officers, Vacancies, General Regulations, Recommendations, Expenditures, Indebtedness", 90-16 "Meetings: Board Year; Timeframe; Location", 90-17 "Powers And Duties", 90-18 "Design Review Board", 90-19 "Single-Family and Two-Family Development Review Process", 90-20 "Development Review Requirements For Submittals Other Than Single-Family And Two-Family", 90-23 "Conditional Uses", And 90-70 "Sign Permits", establishing The Design Review Board and Responsibilities Of Such Board; Changing Membership Requirements of The Planning And Zoning Board and allowing for an appeal of Design Review Board Decisions.

Recommendation: The Planning and Zoning Board as the local planning agency for the Town recommend the proposed Ordinance amending Chapter 90.

ORDINANCE NO. _____ - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" SPECIFICALLY AMENDING SECTIONS 90-15 "MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS", 90-16 "MEETINGS: BOARD YEAR; TIMEFRAME; LOCATION", 90-17 "POWERS AND DUTIES", 90-18 "DESIGN REVIEW BOARD", 90-19 "SINGLE-FAMILY AND TWO-FAMILY DEVELOPMENT REVIEW PROCESS", 90-20 "DEVELOPMENT REVIEW REQUIREMENTS FOR SUBMITTALS OTHER THAN SINGLE-FAMILY AND TWO-FAMILY", 90-23 "CONDITIONAL USES", AND 90-70 "SIGN PERMITS", ESTABLISHING THE DESIGN REVIEW BOARD AND RESPONSIBILITIES OF SUCH BOARD; CHANGING MEMBERSHIP REQUIREMENTS OF THE PLANNING AND ZONING BOARD; ALLOWING FOR AN APPEAL OF DESIGN REVIEW BOARD DECISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, by Ordinance 2013-1598, the Town merged the responsibilities of the Design Review Board (DRB) as then existed under Ordinance 10-1558 into the existing functions of the Planning and Zoning Board (PZB); and

WHEREAS, the merger created unforeseen issues, including difficulties in finding Florida licensed architects and other design professionals to serve on the PZB; and

WHEREAS, in order to effectuate this legislative intent, it is necessary to amend Chapter 90 of Town Code of Ordinances to reinstate the DRB and its responsibilities in a more streamlined manner; and

WHEREAS, in reviewing the current procedure the Town recognizes it is in the best interest of the citizens to allow for an appeal of any DRB decision to the Town Commission; and

WHEREAS, the Town Commission after due notice conducted a first reading and public hearing on the proposed amendments on February 11, 2014; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, after due notice conducted a public hearing on the proposed amendments on February 27, 2014; and

WHEREAS, the Town Commission after due notice conducted a second reading and a public hearing on the proposed amendments on March 11, 2014, considered the recommendation of the Planning and Zoning Board; and

WHEREAS, the Town Commission finds that the proposed amendments to the Code are necessary and in the best interests of 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. Zoning. Chapter 90 “Zoning” of the Town Code is hereby amended to read as follows:

Sec. 90-15. - Membership/quorum, minimum qualifications, officers, terms of officers, vacancies, general regulations, recommendations, expenditures, indebtedness.

- (1) *Membership/quorum:* The planning and zoning board membership and quorum requirements for zoning matters and design review matters are as follows:
 - (a) *Zoning matters:* The planning and zoning board, when performing its zoning functions, shall consist of five members, two members, must be ~~or~~ a Florida-licensed general contractor or certified planner (AICP) or a Florida-licensed landscape architect, or a Registered Interior Designer, or a Florida Licensed attorney. Each commissioner shall be entitled to one board appointment, not subject to majority approval. Three members present at the planning and zoning board meetings shall constitute a quorum.
 - (b) *All board matters:* One town commissioner shall be a liaison, non-voting representative without a vote at all planning and zoning board meetings.
- (2) *Minimum board member qualifications:* All board members must have been a town resident for a minimum period of one year, except for the licensed architects, including the Florida-licensed landscape architect, if applicable, who must have been a town residents for a minimum period of six months. The Florida-licensed architects must have a minimum of five years of practical experience in the field of landscape design. To the extent that no licensed architect (whether for service on the planning and zoning board or design review board only as more specifically described in section 90-18 hereinbelow) who is also a town resident can be identified and is willing to serve at the time of appointment to either board, then the commission may select a non-resident architect who otherwise fulfills the requirements of this section, provided that appointment shall be ratified by a majority of the board of commissioners. To the extent an architect (resident or non-resident) cannot be located within three (3) months of the vacancy, this requirement may after a majority vote of the Commission become null and void until such

time this board member vacates the position before his/her term expires or a full new board is appointed whichever comes first.

- (3) *Officers:* The board shall elect one of its members as chairman and one of its members as vice-chairman, at its first regular meeting in April of each year. In the event of the resignation, removal, or inability of the chairman to serve, the vice-chairman shall succeed to the chairman position for the unexpired term; and the board shall, thereupon, elect one of its members as vice-chairman for the unexpired term. The chairman shall preside at all meetings. In the chairman's absence, the vice-chairman shall preside. The chairman shall submit all board reports and recommendations to the town commission, by and through the chairman, vice-chairman or the town commission liaison member. The town shall provide a secretary for the board and the town clerk shall be custodian of all records, books and journals of the board.
- (4) *Board member term(s):* The term of each board member appointment shall begin on the last Thursday of April of the year in which the board member is appointed and end when a successor board member is appointed or on the last Thursday in April, whichever dates comes first. The term of any board member filling a vacancy created on the board as provided in paragraph (5) shall begin at the time of the board members appointment and end the last Thursday in April or whenever a replacement is appointed.
- (5) *Vacancies:* A vacancy shall exist: (1) on the date that any member ceases to possess the minimum required membership qualifications provided herein; (2) when a board member has been absent from three consecutive regularly convened board meetings or has been absent from five regularly convened board meetings within a board year, or (3) if the appointing Commissioner resigns or his position otherwise becomes vacant during his/her term. Vacancies on the board shall be filled by appointment for the unexpired term in the same manner as original appointments are made provided however, if the seat shall remain vacant longer than a three (3) month period for any reason, the Town Commission collectively by majority appoint a temporary member until such Commission position is filled in accordance with the Town Charter and Code.
- ~~(6) *Transition Provision:* Inasmuch as the enactment of this Ordinance will occur mid term, and the P & Z Board as currently composed contains no architect, any architect currently serving on the DRB at the time of enactment, shall continue to serve in an ex officio capacity with the P & Z Board as a nonvoting member and that the comments of that ex officio member will be considered and accorded equal weight with those who vote. Upon the expiration of the term of the current P & Z Board, this provision shall become null and void.~~

Sec. 90-16. - Meetings: board year; timeframe; order of presentation; location.

- (1) *Board year:* The board year shall commence on the last Thursday of April in each year.
- (2) *Meetings on zoning matters/timeframe:* Regular board meetings for zoning matters shall be held on the last Thursday of each month. The chair may call special meetings and may cancel or continue meetings as may be necessary.
- (3) *Meetings on design review matters/timeframe:* The board shall meet as needed on design review matters. The chairman may call special meetings and may cancel or continue meetings as may be necessary.
- (4) *Order of presentation for zoning matters and design review matters:* In order to avoid unnecessary project costs and delays, the board shall address and finalize each project zoning matter prior to initiating each project design review, to the extent applicable.

(3)(5) *Location of all board meetings:* All board meetings shall be held in the Town Hall or Community Center.

Sec. 90-17. - Powers and duties.

- (1) *Zoning matters:* The planning and zoning board shall act as an advisory board to the town commission on zoning matters and design review matters. The boards' powers and duties are as follows:
 - (a) To perform its responsibilities as the local planning agency pursuant to local and state government comprehensive planning and land development regulations (F.S. Ch. 163);
 - (b) To review and make recommendations to the town manager and the town commission regarding the adopting and amendment of the official zoning map; the land development regulations amendments; zoning district boundary changes; and comprehensive plan amendments;
 - (c) To review and make recommendations to the town commission, on applications pertaining to site plans (if applicable) zoning changes, special use permits, conditional use variances vested rights and any other zoning applications;
 - (d) To conduct such studies and investigations required under the Town Code and/or requested by the town commission and as needed from time to time to sit in a joint session with the Town Commission as requested by the Town Commission; and
 - (e) The planning and zoning board shall have such other duties pertaining to zoning matters as prescribed by law, this section and the Town Code.
- (2) *Design review:* The planning and zoning board shall conduct a design review for all structures to be constructed and renovated within town limits on the terms outlined.
- (3) *FEMA review:* The planning and zoning board when constituted as a design review board-as set forth in section 90-18 herein below, shall act as the variance and appeals board pursuant Chapter 42, "Floods," Division 6, Variance Procedures, sections 42-111 through 42-117.

Sec. 90-18. - Design review board.

The Planning and Zoning Board, when performing its design review and FEMA variance and appeals board functions shall be constituted as the design review board and shall have seven members. The seven members shall include the five members appointed by the Town Commission for the Planning and Zoning Board and two additional members, at least one of the design review board members shall be a Florida-licensed architect or Florida-licensed landscape architect. The second design review board member shall be a Florida-licensed architect or a Florida-licensed general contractor or a certified planner (AICP) or a Florida-licensed landscape architect, or a Registered Interior Designer, or a Florida Licensed attorney. Both of these members shall be appointed by a majority of the Town Commission. Four members present at the Planning and Zoning Board Design Review meetings shall constitute a quorum and at least one of the four members shall be a design review board member. The design review process is set forth as follows:

- (1) *Purpose.* This section is intended to promote excellence in architectural and urban design; preservation of the town's historic and architectural and neighborhood character; and desirable urban growth and development. To implement this goal, the Design Review Board is hereby created to review and make advisory recommendations to the Planning and Zoning Board ~~will make recommendations~~ as to whether the design of new developments and/or

improvements within the Town are consistent with and in conformance with the design guidelines set forth in the Town Code. The design guidelines are attached thereto as Exhibit A [at the end of this chapter] provided that the Town Commission may amend said guidelines from time to time via resolution. The guidelines as amended, shall govern and be applied as fully set forth herein.

(2) *Design review procedure:*

(a) All applications for new developments or improvements that are subject to the town's adopted design guidelines shall be referred to the board for review and consideration.

(b) The board shall review each application whether for development of single-family, multifamily, commercial or other districts for conformity with the town's adopted design guidelines and recommend the application to the planning and zoning board for approval, approval with conditions, or disapproval of the application. ~~approve, approve with conditions, or deny the application.~~ With regard to the design review process, no applicant shall be required to appear before the design review ~~planning and zoning~~ board more than twice per application.

(c) Meetings held by the board for review and recommendations of applications shall be arranged to permit participation by the person or group making the application or request and representatives of such person or group, if desired. Architectural plans and drawings of the building facades, lists of finish materials and other information necessary to provide adequate insight into the proposed development/improvement shall be provided to the board by the person or group making the proposal or request.

(d) For design review applications that are not otherwise heard by the Planning and Zoning Board, appeal of any Design Review Board decision may be taken by an interested party to the Town Commission within thirty (30) days of the hearing at which the Design Review Board makes its final decision, by the filing of a notice of the appeal with the Town Commission. The appeal shall be heard as a quasi-judicial matter.

(3) Design review application fees are set forth in the Town designated fee schedule.

(4) All meetings of the Design Review Board shall be publicly noticed.

Sec. 90-19. - Single-family and two-family development review process.

90-19.5 Design guidelines. The town has adopted design guidelines intended to provide direction and suggestions for all development. The purpose of the design review ~~planning and zoning~~ board is to interpret those guidelines and provide guidance to the applicants as to how the design should be revised to more closely approximate or reflect the town's adopted guidelines. The applicant shall then incorporate those suggestions prior to proceeding to building permit.

90-19.6 Single-family and two-family development shall be reviewed by the design review ~~planning and zoning~~ board.

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

- (1) Interior or rear yard fences.

- (2) Interior renovations.
- (3) Awnings.
- (4) Screens.
- (5) Driveways.
- (6) Re-roofs

90-19.8 The following are required for submittal to the ~~planning and zoning board~~ for design review board:

90-19.9 Effective period of ~~planning and zoning board~~ design review board approval.

An approval from the design review ~~planning and zoning board~~ shall be effective until the development is completed except that if, after 24 months from the date of the approval by the ~~design review~~ ~~planning and zoning board~~ a building permit for a principal building has not been issued and remains in effect, the approval shall be null and void.

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

- (1) Generally. Review and approval of a site plan by staff reviewing agencies, the design review board, and the development impact committee, the planning and zoning board, and the town commission is required prior to any development of land in the town.
- (2) Process. Submit plans (sets to be determined by town staff as appropriately needed), which are distributed to the staff members of the development review group (DRG).
 - (a) The DRG member shall review the site plan and prepare comments. The comments shall be forwarded to the town manager or designee. The comments shall be addressed by the applicant, if applicable. The town manager or designee shall hold a development review group meeting with appropriate town staff and the applicant to discuss the comments.
 - (b) After the revisions and upon review of the final site plan by the DRG members, the site plan will be scheduled for the next available town design review board and planning and zoning board meetings. If possible, the planning and zoning board meeting and the design review board meeting should be held on the same date. The materials required under subsection 90-19.8 should not be duplicated for both the planning and zoning board meeting and design review board meeting. They shall be considered one submittal package.
- (3) Submittal requirements for DRG, ~~and the~~ planning and zoning board and design review board are provided below.

90-20.2 Exempt development. Notwithstanding any other provision of this chapter, the following activities shall not require site plan approval, however, may require ~~planning and zoning~~ design review board approval:

- (1) The deposit and contouring of fill on land.

- (2) Construction of a single-family home on an existing single-family lot.
- (3) Construction of a single duplex on an existing single lot.

Sec. 90-23. - Conditional uses.

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

- (1) The proposed use shall be consistent with the Comprehensive Plan and the Zoning Code;
- (2) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare;
- (3) The proposed use shall be compatible with the community character of the immediate neighborhood. In addition to compatibility there must be congruity between the subject development and neighboring improvements and surroundings including but not limited to form, spacing, heights, setbacks, materials, color, rhythm and pattern of architectural or aesthetic interest or value as well as with any overlays and other development schemes or legislation.
- (4) Adequate provisions shall be included for parking and safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;
- (5) Adequate measures exist including landscaping or other buffering measures or shall be taken to mitigate any adverse effects of noise, light or other potential nuisances; and
- (6) The establishment of the conditional use shall not impede the development of surrounding properties for uses permitted in the zoning district; and
- (7) Any other condition imposed by the Design Review Planning and Zoning Board and/or the Development Impact Committee.

Sec. 90-70. - Sign permits.

- (c) *Permit review.* Unless otherwise exempt, the design review planning and zoning board shall review the sign to determine if the proposed sign is in compliance with the design review criteria.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Mayor and Town Commission of the Town of Surfside, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

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

Section 6. Effective Date. This ordinance shall become effective ten (10) days after second reading.

PASSED and ADOPTED on First Reading the ___ day of _____, 2014.

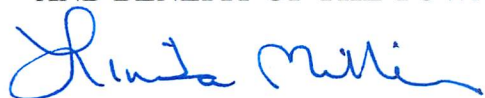
PASSED and ADOPTED on Second Reading this _____ day of _____, 2014.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, Town Clerk

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



Linda Miller
Town Attorney

On Final Reading Moved by: _____
On Final Reading Seconded by: _____

VOTE ON ADOPTION:

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

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 Kilgman	Draft code amendment	In contract	March 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
e. garage door clarification	Modify code to remove requirement for two separate garage doors	Draft code amendment	In contract	November PZ	COMPLETE
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 H120 district	No action necessary since Planning and Zoning Board currently reviewing setbacks as part of wall frontage modifications			N/A	
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	March 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	COMPLETE	
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	COMPLETE	
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	March DVAC	
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 March 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	COMPLETE
Paint Colors	Discussion with the Planning & Zoning Board to determine if a color palette is appropriate for single family homes and what colors/criteria should be included	Place on future Planning and Zoning agenda for discussion	In contract	March DVAC	
Turtle Lighting	Town Staff to prepare review	No ordinance necessary.	Turtle lighting already required in code.		COMPLETE
Painting of commercial structures	Town Staff to prepare ordinance	Prepare ordinance for commission	Building to prepare ordinance	May Commission	

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