



# Town of Surfside Commission Communication

**Agenda Date:** August 14, 2018

**From:** Guillermo Olmedillo, Town Manager  
Sarah Sinatra Gould, AICP, Town Planner

**Table of Contents:**

1. Applicant Proposal
2. Site Plan Staff Analysis
3. Development Impact Committee Summary
4. Application
5. Site Plan Package

**REQUEST:**

Tarek Kirschen of 303 Surfside Blvd. LLC., is proposing a four unit townhouse development at 303 Surfside Boulevard, with a general location on the west side of Harding Avenue, north of 91<sup>st</sup> Street/Surfside Boulevard. The total gross acreage of the site is .57 acres and is within the H30C zoning district. The proposed development consists of four townhouses units with two car garages and roof terraces.

The application was originally submitted in October 2016. Two development review meetings were held with the applicant to address technical review comments. Once the comments were addressed, a Development Impact Committee (DIC) meeting was scheduled. DIC met in an open, advertised, televised session on June 1, 2017 to discuss this application.

The applicant then sold the project to the current owner. The current owner decided to modify the project by acquiring a parcel to the south to provide a larger site with additional landscaping and a parcel south of 91<sup>st</sup> Street/Surfside Boulevard for an amenity building, but continuing to proposed only four townhouses. The project was then resubmitted in November of 2017 and a DIC meeting was held on December 7, 2017. Additional comments were provided to the applicant and the plans were resubmitted and another DIC meeting was held on March 26, 2018.

The applicant decided to remove the amenity building on the south side of 91<sup>st</sup> Street/Surfside Boulevard and resubmitted the plans on May 4, 2018. A final DIC meeting was held with the applicant on May 24, 2018.

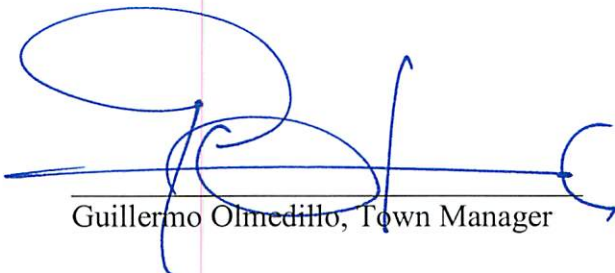
**STAFF RECOMMENDATION**

**Budget Impact** – Water and sewer connection fees are required. The applicant has agreed to contribute to improvements on 91<sup>st</sup> Street extended the length of the property. He has also agreed to underground the utilities immediately west of the property and to provide paving along the Harding Avenue sidewalk, consistent with the Surf Club’s design, immediately across Harding Avenue.

**Growth Impact** – The applicant is proposing four townhouse units. This is proposed on vacant land and will not be replacing existing development.

**Staff Impact** – There has been no impact to staff other than the work necessary to review the project. The applicant has funded the review through the cost recovery process and the building permit review will be funded through the building permit fees.

**Recommendation** – Staff recommends that the Town Commission approve the site plan application based on acceptance of the Development Conditions.



Guillermo Olmedillo, Town Manager



SSG

# **SITE PLAN REPORT**

**SITE PLAN INFORMATION:**

Address	303 Surfside Boulevard
General Location	West side of Harding Avenue, North of 91 <sup>st</sup> Street
Property Size	TOTAL: .57 gross acres
Zoning District	H30C
Adjacent Zoning Districts	H30B to the north H30C to the east H30C to the south H30C to the West
Future Land Use	Moderate Low Density Residential
Density Permitted	17 dwelling units per acre X .57 of acre  TOTAL PERMITTED= 9 dwelling units X15% reduction = 8
Density Proposed	TOTAL PROPOSED: 4 dwelling units
Number of parking spaces	TOTAL Provided: 12 spaces  TOTAL Required: 9 spaces

**ZONING CODE, APPLICABLE REQUIREMENTS**

**Sec. 90.42**

Minimum Unit Sizes	Minimum Required	Proposed
Three-bedroom	1150 square feet	2,680 square feet

**Sec. 90.43**

Maximum Building Heights	Maximum Required	Proposed
H30C	30 feet maximum	29.46 feet

**Sec. 90.44**

Modification of Height	Maximum Permitted	Proposed	Must be of high architectural quality integral to the design of the building
H30C	3 ft.      10% of roof area	3 feet, 9.9% of roof area	The mechanical equipment, rooftop decks and parapet walls meet these criteria.

**Sec. 90.45(b)**

<b>Minimum Required Setbacks</b>		<b>Proposed</b>
Front	20 feet	41 feet 7 inches
Side	8 feet 6 inches	10 feet
Rear	10 feet	21 feet 5 inches

**Sec. 90.47.1 Yards generally, allowable projections**

<b>Required</b>	<b>Proposed</b>
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.	No projection proposed

**Sec. 90.49**

<b>Lot Standards</b>	<b>Required</b>	<b>Proposed</b>
Minimum Lot width	50 feet	89 Feet
Minimum Pervious area	20%	44%

**Sec. 90.50.1(2)**

<b>Architecture</b>	<b>Required</b>	<b>Proposed</b>
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.	Project meets or exceed 10% wall openings
Roof materials are limited as follows:	<ul style="list-style-type: none"> <li>a. Clay Tile; or</li> <li>b. White concrete tile; or</li> <li>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;</li> <li>d. Architecturally embellished metal if granted approval by the Design Review Board; or</li> <li>e. Other Florida Building Code approved roof material(s) if granted approval by the Design Review Board.</li> </ul>	Flat roofs are proposed with private roof decks for each unit.

**Sec. 90.50.2 (3)**

<b>Roof Deck Provisions</b>	<b>Required</b>	<b>Proposed</b>
Roof Decks are limited to	a. Maximum 70% of the aggregate roof area;	26%
	b. Shall not exceed the maximum roof height required by any abutting property's zoning designation;	30 feet.
	c. Minimum setback of 10 feet from the roofline on all sides	11 feet 6 inches

**Sec. 90.51(1)**

<b>Maximum frontage of buildings</b>	<b>Required</b>	<b>Proposed</b>
H30C	For every 50 feet, a minimum 3 foot change in wall plane.	Met through multiple building articulations

**Sec. 90.61.1**

<b>Paving in front and rear yards in H30</b>	<b>Required</b>	<b>Proposed</b>
Front setbacks, amount that may be paved with any type of material that is not readily permeable by rainwater and groundwater.	Maximum 50% paved	21%
Front Yard Landscaping	Minimum 30%	79%
Rear Yard Landscaping	Minimum 20%	83%

**Sec. 90.67.2**

	<b>Required</b>	<b>Proposed</b>
<b>Underground utilities</b>	All utilities including telephone, cable, and electrical systems shall be installed underground.	The lines will be installed underground. The applicant has proffered to underground the existing line to the west of the property, running parallel north and south.

**Sec. 90.77(c)**

<b>Off-Street Parking</b>	<b>Minimum Required</b>	<b>Proposed</b>
	9 Spaces	12 Spaces

**Sec. 90.83**

<b>Off-Street Loading</b>	<b>Minimum Required</b>	<b>Proposed</b>
Multifamily building 20,000 – 100,000 square feet	10,630 square foot building, therefore no loading is required.	No loading provided

**Sec. 90.91**

<b>Vegetative Provisions</b>	<b>Minimum Required</b>	<b>Proposed</b>
Xeriscape in pervious area	40%	40%

**Sec. 90.91.2**

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

**Sec. 90.93**

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

**DEVELOPMENT IMPACT  
COMMITTEE REPORTS**

**6-1-2017**

**3-26-2018**

**5-24-2018**



## DEVELOPMENT IMPACT COMMITTEE MEETING

The Development Impact Committee (DIC)\* met on **June 1, 2017** to discuss the site plan application for 9116 Harding Avenue ("the Project"). The DIC meeting was attended by the following:

Staff Attendees: Guillermo Olmedillo, Town Manager  
Duncan Tavares, Assistant Town Manager  
Edwin Morrow, Tourism Director  
Ross Prieto, Building Official  
Randy Stokes, Public Works Director  
Linda Miller, Town Attorney  
Sarah Sinatra Gould, Town Planner  
David Allen, Police Chief  
Tim Millan, Parks and Recreation Director

Applicant Attendees: Richard Wasserstein, Owner  
Marco Ruiz, Swedroe Architects  
Bud Martin, Landscape Architect

Citizen Attendees: Victor May

The purpose of the DIC meeting is to discuss impacts of the projects and any mitigation efforts offered by the property owner.

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The DIC shall review all developments (except single family and two-family homes) and recommend where applicable, whether, and the extent to which the following criteria has been met (staff responses are in *italics*).

1. The development, as proposed, conforms to the comprehensive plan and the zoning code;

*The site plan has been reviewed three times by the Development Review Group. All outstanding comments have been addressed and the proposed site plan conforms to the comprehensive plan and the zoning code.*

2. The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a consideration of the means and estimated cost necessary to minimize the adverse impacts, if any;

*The proposed development is not expected to have an unfavorable impact on the environment and natural resources. The applicant will meet all Town, County and State regulations.*

3. The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside;

*The development is expected to have a favorable impact on the economy of the Town as it will add taxable value. It will also generate water and sewer fees and applicable building permit fees.*

4. The development, as proposed, will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area;

*An application has been submitted to the Miami-Dade School Board to determine if concurrency has been met. If not, the applicant is required to coordinate with the school board on potential financial obligations to meet concurrency. Lastly, the water and sewer impact will be accommodated through the Town's water and sewer fees.*

5. The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets.

*The project is a four unit townhouse development. It is not expected to impact public transit or roads.*

6. The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency 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.

*The applicant is proposing a four unit townhouse development, which is consistent with the smaller scale development commonly seen on the Harding Avenue corridor. The setbacks, articulations and aesthetics are consistent with the corridor.*

7. In the event of redevelopment, applicant shall also submit a detailed plan for demolition.

*Acknowledged.*

The conditions shall become part of the 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.

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## DEVELOPMENT IMPACT COMMITTEE MEETING

The Development Impact Committee (DIC)\* met on **March 26, 2018** to discuss the site plan application for 9116 Harding Avenue ("the Project"). The DIC meeting was attended by the following:

Staff Attendees: Guillermo Olmedillo, Town Manager  
Duncan Tavares, Assistant Town Manager  
Ross Prieto, Building Official  
Randy Stokes, Public Works Director  
Kathy Mehaffey, Town Attorney  
Sarah Sinatra Gould, Town Planner  
David Allen, Police Chief  
Tim Millan, Parks and Recreation Director  
Eric Czerniejewski, Traffic Engineer  
Bill Tesauro, Landscape Reviewer

Applicant Attendees: Tarek Kirschen, Owner  
Marco Ruiz, Swedroe Architects

Citizen Attendees: None

The purpose of the DIC meeting is to discuss impacts of the projects and any mitigation efforts offered by the property owner.

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The DIC shall review all developments (except single family and two-family homes) and recommend where applicable, whether, and the extent to which the following criteria has been met (staff responses are in *italics*).

1. The development, as proposed, conforms to the comprehensive plan and the zoning code;

*The site plan has been reviewed four times by the Development Review Group. All outstanding comments have been addressed and the proposed site plan conforms to the comprehensive plan and the zoning code.*

2. The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a consideration of the means and estimated cost necessary to minimize the adverse impacts, if any;

*The proposed development is not expected to have an unfavorable impact on the environment and natural resources. The applicant will meet all Town, County and State regulations.*

3. The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside;

*The development is expected to have a favorable impact on the economy of the Town as it will add taxable value. It will also generate water and sewer fees and applicable building permit fees.*

4. The development, as proposed, will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area;

*An application has been submitted to the Miami-Dade School Board to determine if concurrency has been met. If not, the applicant is required to coordinate with the school board on potential financial obligations to meet concurrency. Lastly, the water and sewer impact will be accommodated through the Town's water and sewer fees.*

5. The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets.

*The project is a four unit townhouse development. It is not expected to impact public transit or roads.*

6. The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency 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.

*The applicant is proposing a four unit townhouse development, which is consistent with the smaller scale development commonly seen on the Harding Avenue corridor. The setbacks, articulations and aesthetics are consistent with the corridor.*

7. In the event of redevelopment, applicant shall also submit a detailed plan for demolition.

*Acknowledged.*

The conditions shall become part of the 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.

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## **DEVELOPMENT IMPACT COMMITTEE MEETING**

The Development Impact Committee (DIC)\* met on **May 24, 2018** to discuss the site plan application for 9116 Harding Avenue (“the Project”). The DIC meeting was attended by the following:

Staff Attendees: Guillermo Olmedillo, Town Manager  
Duncan Tavares, Assistant Town Manager  
Ross Prieto, Building Official  
Randy Stokes, Public Works Director  
Kathy Mehaffey, Town Attorney  
Sarah Sinatra Gould, Town Planner  
David Allen, Police Chief  
Tim Millan, Parks and Recreation Director  
Carina Harvey, Traffic Engineer  
Bill Tesauro, Landscape Reviewer

Applicant Attendees: Tarek Kirschen, Owner  
Marco Ruiz, Swedroe Architects

Citizen Attendees: None

The purpose of the DIC meeting is to discuss impacts of the projects and any mitigation efforts offered by the property owner.

The applicant has agreed to contribute to improvements on 91<sup>st</sup> Street extended the length of the property. They have also agreed to underground the utilities immediately west of the property and to provide paving along the Harding Avenue sidewalk, consistent with the Surf Club's design, immediately across Harding Avenue.

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The DIC shall review all developments (except single family and two-family homes) and recommend where applicable, whether, and the extent to which the following criteria has been met (staff responses are in *italics*).

1. The development, as proposed, conforms to the comprehensive plan and the zoning code;

*The site plan has been reviewed five times by the Development Review Group. All outstanding comments have been addressed and the proposed site plan conforms to the comprehensive plan and the zoning code.*

2. The development, as proposed, will have a favorable or unfavorable impact on the environment and natural resources, including a consideration of the means and estimated cost necessary to minimize the adverse impacts, if any;

*The proposed development is not expected to have an unfavorable impact on the environment and natural resources. The applicant will meet all Town, County and State regulations.*

3. The development, as proposed, will have a favorable or unfavorable impact on the economy of the Town of Surfside;

*The development is expected to have a favorable impact on the economy of the Town as it will add taxable value. It will also generate water and sewer fees and applicable building permit fees.*

4. The development, as proposed, will efficiently use or unduly burden water, sewer, solid waste disposal, education, recreation or other necessary public facilities which have been constructed or planned and budgeted for construction in the area;

*An application has been submitted to the Miami-Dade School Board to determine if concurrency has been met. If not, the applicant is required to coordinate with the school board on potential financial obligations to meet concurrency. Lastly, the water and sewer impact will be accommodated through the Town's water and sewer fees.*

5. The development, as proposed, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, public streets, and roads, which have been planned and budgeted for construction in the area, and if the development is or will be accessible by private or public roads or streets.

*The project is a four unit townhouse development. It is not expected to impact public transit or roads.*

6. The development, as proposed, is consistent with the community character of the immediate neighborhood. In addition to consistency 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.

*The applicant is proposing a four unit townhouse development, which is consistent with the smaller scale development commonly seen on the Harding Avenue corridor. The setbacks, articulations and aesthetics are consistent with the corridor.*

7. In the event of redevelopment, applicant shall also submit a detailed plan for demolition.

*Acknowledged.*

The conditions shall become part of the 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.

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# APPLICATION

**RESOLUTION NO. 18- \_\_\_\_\_**

**A RESOLUTION OF THE TOWN COMMISSION OF SURFSIDE, FLORIDA; APPROVING A SITE PLAN APPLICATION FOR PROPERTY GENERALLY LOCATED AT 303 SURFSIDE BOULEVARD, SURFSIDE, FL, FOR DEVELOPMENT CONSISTING OF FOUR TOWNHOUSE UNITS; PROVIDING CONDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Tarek Kirshen, on behalf of 303 Surfside Blvd. LLC, (the “Applicant”), owner of the property generally located at 303 Surfside Boulevard, Surfside, FL 33154 and legally described as provided on Exhibit “A” attached hereto (the “Property”), submitted an application to the Town of Surfside, Florida (the “Application”), requesting site plan approval for the development of four townhouse units; and

**WHEREAS**, the Town’s Development Review Group, pursuant to Section 90.20 of the Town Code, 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 June 1, 2017, March 26, 2018 and May 24, 2018, and during the televised meetings, reviewed the Application and made recommendations to the Planning and Zoning Board in accordance with the criteria set forth in the Town Code; and

**WHEREAS**, the Applicant has proffered to contribute to improvements on 91st Street extending throughout the length of the property, to underground the utilities immediately west of the property, and to provide paving along the Harding Avenue sidewalk, consistent with the Surf Club’s design, immediately across Harding Avenue; and

**WHEREAS**, on July 26, 2018, 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 the Town Code for Site Plan 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 the conditions of approval incorporated herein under Section 3. Conditions; and

**WHEREAS**, on August 14, 2018, the Town Commission, at a duly noticed and televised quasi-judicial public hearing, reviewed the Application and hearing from its professional staff,



the Applicant, and members of the public, and considering the recommendation of the Planning & Zoning Board, the requirements of the Town Code for Site Plan Approval and the Application's consistency with the Town of Surfside's Comprehensive Plan, and the substantial competent evidence presented at the hearing.

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

**SECTION 1. RECITALS AND FINDINGS OF FACT.**

1. All recitals set forth above are incorporated into the body of this Resolution as if same were fully set forth herein.
2. The Commission finds that the proposed site plan is in compliance with the requirements of the Town Code for Site Plan Approval and the Application is consistent with the Town of Surfside's Comprehensive Plan.

**SECTION 2. SITE PLAN APPROVAL.** The request to approve a site plan is hereby granted as shown on the site plan transmitted to the Building Department on August 2, 2018 by Robert M Swedroe Architects and Planners, dated May 30, 2018 and provided for the public hearing, except as modifications are required by this approval or the Building Official.

**SECTION 3. CONDITIONS.** The APPROVALS granted herein are subject to the following conditions:

1. The construction and uses shall be in accordance with the submitted plans for the hearing dated May 30, 2018, as transmitted to the Building Department on August 2, 2018 and incorporated into this document as Exhibit "B" except as modifications may be required by this approval and any changes required by the Building Official.
2. Pursuant to Section 90-20.3, the Applicant shall secure a building permit for the project no later than August 14, 2020.
3. The underground utilities on the approved site plan shall be installed in accordance with said site plan, unless administratively modified by Town staff. Applicant has agreed to underground the utilities immediately west of the property. The Applicant shall demonstrate the underground utilities on the site plan and west of the site will be accommodated in the configuration proposed prior to a foundation permit.
4. The Applicant has proffered to contribute to improvements on 91<sup>st</sup> Street which shall extend the length of the property.

5. The Applicant has proffered to provide paving along the Harding Avenue sidewalk consistent with the Surf Club's design immediately across Harding Avenue.
6. All voluntary proffers and commitments made to the Town of Surfside pursuant to this Resolution, including but not limited to those described in 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 were granted.
7. The Applicant shall present evidence of a Construction Parking Plan for the provision of off-street parking outside of Town limits or on Applicant's property within the Town, for construction workers during the period of construction of the approved project prior to the issuance of a building permit. The Applicant and the Applicant's general contractor shall direct all workers not to park their vehicles in residential neighborhoods or lease parking spaces from Town residents or park in Town parking lots and Town parking metered spaces. The Construction Parking Plan shall be reviewed and approved by the Town Manager prior to the issuance of a building permit.
8. The Applicant and the Applicant's general contractor are responsible to enforce the Construction Parking Plan with all employees, contractors and subcontractors. The Applicant shall be fined five hundred dollars (\$500) for each parking ticket issued to construction workers for parking in residential neighborhoods or Town public parking while working on the construction site (limit of one fine per vehicle per day). The construction parking plan shall provide the following:
  - (a) No workers shall park their vehicles in residential neighborhoods or Town public parking spaces; and
  - (b) Applicant shall provide monthly reports to the Town Manager of any problems or complaints with regard to workers parking their vehicles in residential neighborhoods; and
  - (c) If the Town Manager deems necessary, the Applicant shall provide more frequent reports and develop additional preventive measures to protect the

residential neighborhoods.

9. The Applicant agrees that all contractor and subcontractor agreements applicable to this development shall include a separate clause prohibiting construction workers from parking on residential streets or public parking lots and that Applicant shall submit the proposed clause for the approval of the Town Manager or Town Manager Designee within 90 days of the effective date of this Resolution.
10. Any change in ownership of the current property owner, up to and including the turnover of ownership to a condominium association, greater than twenty-five percent (25%) shall be fully disclosed in writing to the Town Manager and Town Attorney immediately upon said change occurring. Any change of ownership of the project shall not extend or modify any of the dates for payment or performance included in this Resolution or in any related agreements referenced in this Resolution nor shall any change of ownership modify or excuse or extend any of the payment obligations contained in this Resolution or in any related agreements referenced in this Resolution. All payment obligations and performance obligations of any kind set forth in this Resolution and in these Conditions are binding on the Applicant, its heirs, successors and assigns.
11. The approved site plan does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Town for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
12. All applicable state and federal permits shall be obtained before commencement of construction.

**SECTION 4. VIOLATION OF CONDITIONS.** Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

**SECTION 5. 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.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall become effective upon adoption.

**PASSED AND ADOPTED** this 14th day of August, 2018.

Motion by: \_\_\_\_\_,

Second by: \_\_\_\_\_.

**FINAL VOTE ON ADOPTION**

Commissioner Barry Cohen \_\_\_\_\_  
Commissioner Michael Karukin \_\_\_\_\_  
Commissioner Tina Paul \_\_\_\_\_  
Vice Mayor Daniel Gielchinsky \_\_\_\_\_  
Mayor Daniel Dietch \_\_\_\_\_

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

**ATTEST:**

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

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

\_\_\_\_\_  
Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney

STATE OF FLORIDA                    )  
COUNTY OF MIAMI-DADE         )

I, Sandra Novoa, Town Clerk of the Town of Surfside, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 18-\_\_\_\_ adopted by the Town Commission at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2018.

Issued: \_\_\_\_\_

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