



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD**

**AGENDA
OCTOBER 2, 2013
7:00 PM**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES: **AUGUST 29, 2013 (ATTACHED)**
4. ORDINANCES:

Comprehensive Plan Amendment-

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Veterinarian Office-

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION SEC. 90-41(d) "REGULATED USES" ADDING VETERINARY OFFICE AS A CONDITIONAL USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

5. PLANNING AND ZONING APPLICATIONS:
 - A. Request of the Owner of Property located at 9317 Dickens Avenue
The applicant is requesting to install a front yard wall.
 - B. Request of the Owner of Property located at 9480 Harding Avenue
The applicant is requesting to install a permanent sign.
 - C. Request of the Owner of Property located at 9519 Harding Avenue
The applicant is requesting to install a permanent sign.
 - D. Request of the Owner of Property located at 9449 Collins Avenue

The applicant is requesting to install a permanent sign.

6. DISCUSSION ITEMS:

A. Massing

7. PERMITS ISSUED AND REVENUE REPORT FOR AUGUST 2013.

[To be delivered separately]

8. ADJOURNMENT.

THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS ARE DISABLED; WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE TOWN CLERK AT 305-893-6511 EXT. 226 NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED PERSONS MAY CONTACT THE TDD LINE AT 305-893-7936. IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE TOWN OF SURFSIDE COMMISSION, WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD SHALL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE TOWN CLERK, TOWN OF SURFSIDE TOWN HALL, 9293 HARDING AVENUE. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE TOWN CLERK AT 305-861-4863. TWO OR MORE MEMBERS OF TOWN COMMISSION OR OTHER TOWN BOARDS MAY ATTEND AND PARTICIPATE AT THIS MEETING. THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY, A TELEPHONE CONFERENCE CALL. THE LOCATION 9293 HARDING AVENUE, SURFSIDE, FL 33154, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT FOR SUCH COMMUNICATION.



**TOWN OF SURFSIDE
PLANNING AND ZONING BOARD
MINUTES
AUGUST 29, 2013
7:00 PM**

1. CALL TO ORDER

Chair Lindsay Lecour called the meeting to order at 7:05 pm.

2. ROLL CALL

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

3. APPROVAL OF MINUTES: JULY 25, 2013 (ATTACHED)

Vice Chair Peter Glynn made a motion to approve and 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 9389 Byron Avenue

The applicant is requesting to convert his garage.

Town Planner Sarah Sinatra presented the item.

Board Member Jennifer Dray made a motion to approve with the condition that the driveway shall be resurfaced or replaced. The motion received a second from Vice Chair Peter Glynn and all voted in favor.

B. Request of the Owner of Property located at 9217 Dickens Avenue

The applicant is requesting to build a patio addition.

Town Planner Sarah Sinatra presented the item.

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

C. Request of the Owner of Property located at 9476 Harding Avenue

The applicant is requesting to install a permanent sign.

Town Planner Sarah Sinatra presented the item.

Vice Chair Peter Glynn requested more information regarding the illumination of the sign and applicant Daniel Tarrab was able to provide the details of the proposed sign. A motion was made by Board Member Jennifer Dray to approve with the condition that the

applicant apply for a Certificate of Use and a Local Business Tax Receipt. The sign permit shall not be released until the applicant applies for a Certificate of Use and a Local Business Tax Receipt. The motion received a second from Board Member Carli Koshal and all voted in favor.

**D. Request of the Owner of Property located at 9472 Harding Avenue
The applicant is requesting to install a permanent sign.**

Town Planner Sarah Sinatra presented the item.

Town Planner Sinatra mentioned that the illegal awnings were put up by the prior owner. Applicant Criulio Santillo spoke regarding the sign and color and said he was opening a high end Italian restaurant. Some Board members, although not opposed to the sign, felt that the sign had no color contrast and did not reflect a fine dining establishment. Vice Mayor Peter Glynn made a motion to accept with the following conditions:

1. Remove all illegal awnings. The awnings did not receive approval for the location and must be removed. The Code states that an awning shall not encroach more than six feet over the sidewalk. The existing awning, which was never approved by the Town and has outstanding code violations levied on the prior awning, must be removed.
2. Apply for all required permits. Applicant has been working without permits. The sign permit shall not be released until all required permits have been applied for through the Building Department.
3. Apply for a Certificate of Use and a Local Business Tax Receipt. The sign permit shall not be released until the applicant applies for a Certificate of Use and a Local Business Tax Receipt.
4. The reverse channel lettering proposed for the primary sign shall be individually mounted to the wall face and not mounted on a separate backing.

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

5. DISCUSSION ITEMS:

A. Wall frontage and side setbacks in H120

Town Planner Sinatra indicated that the Building Code Ordinance regarding maximum wall frontage had been amended in 2012 and Vice Mayor Karukin requested that this be looked into a little further.

Vice Mayor Karukin expressed his concern regarding large size buildings and their fit in the town as well as other issues such as building frontage, spacing between buildings and parking. Vice Mayor Karukin suggested some options regarding building masses and Town Planner Sinatra presented diagrams of three different scenarios. The Commission discussed the options and Vice Chair Glynn had concerns about placing too much of a limit on architecture and how it could adversely affect the design. Guest Speaker Commissioner Joe Grubart gave some input regarding side setbacks and suggested the Board consider different size

breezeways between buildings. Public Speaker Jorge Gutierrez gave some suggestions as to setbacks and building size and design. Vice Chair Glynn asked Board Liaison Mayor Dietch for his thoughts on new development. Town Planner Sinatra will do more research regarding parking and Chair Lecour suggested that recommendations be presented at the joint Commission and Planning and Zoning Board Workshop scheduled for September.

B. Veterinary Clinics

Vice Chair Peter Glynn suggested the Board move forward on the issue. Public speakers Ann Findlay, Kenny Stone, David Carmona, DVM and Vice Mayor Karukin all spoke in favor of a Veterinary Clinic and thanked the Board for their positive feedback. After some discussion and based on previous discussions at the Commission Meeting and previous Board Meeting, Chair Lindsay Lecour suggested an ordinance be drafted. Board Member Jennifer Dray made a motion that Town Planner Sarah Sinatra drafts an ordinance addressing the issues. The motion received a second from Vice Chair Peter Glynn and all voted in favor.

6. FUTURE AGENDA ITEMS:

A. Capital Improvement Element update (Sept)

B. Sign Code

The Board strongly feels that the Commission considers adding revenues into the 2014 budget for sign codes. Board Member Dray indicated the importance of design code especially in the retail district.

C. Satellite Dishes (Oct)

D. Solar Panels (Sept)

E. Dimensions of parking spaces (Oct)

F. Pyramiding effects of setbacks (Joint Meeting Workshop)

Chair Lindsay Lecour directed staff to coordinate a joint meeting with the Commission within the next few days.

G. Planning and Zoning Board Meetings

The Planning and Zoning Board meetings were changed for the month of October, November and December to accommodate for different events and holidays. The new scheduled Planning and Zoning Board Meeting dates will be October 24, November 21 and December 19, 2013.

7. PERMITS ISSUED AND REVENUE REPORT FOR JULY 2013.

8. ADJOURNMENT.

There being no further business to come before the Planning and Zoning Board, the meeting adjourned at 9:06 p.m.

Accepted this ____ day of _____, 2013

Attest:

Chair Lindsay Lecour

Sandra Novoa
Town Clerk



**Town of Surfside
Commission Communication**

To: Town Commission

From: Nancy E. Stroud, Esq., Special Land Use Counsel *NES*

CC: Town Manager, Michael P. Crotty
Town Attorney, Linda Miller
Town Clerk, Sandra Novoa

Agenda Date: September 17, 2013

Subject: Ordinance Amending Future Land Use Element of the Comprehensive Plan

Background: Because of a pending religious use site plan application, the Town planning and legal staffs and special counsel have become aware of two issues with the Town Comprehensive Plan that relate to religious uses. The proposed ordinance amending the Future Land Use Element addresses both issues in order to better protect the Town against any future claim that the Town's Comprehensive Plan violates the Federal Religious Land Use and Institutionalized Persons Act ("RLUIPA").

1. "Equal Treatment" of religious uses. RLUIPA requires that the government treat religious land uses at least equally to other uses of public assembly. There is one land use category of the Future Land Use Map -- Moderate Density Residential/Tourist -- that allows public schools but does not allow other places of public assembly (such as houses of worship). In order to provide equal treatment, the proposed ordinance strikes public school uses from the list of uses allowed in the Moderate Density Residential/Tourist category.
2. "Reasonable relief" provisions. The Town has adopted zoning regulations that provide a type of regulatory relief option under certain defined circumstances so that on a case by case basis it can avoid unintended violations of RLUIPA. This relief option is found in Section 90-99 of the Zoning Code "Religious land use relief procedures." Additionally, Ordinance No. 07-1479 adopted changes to the Zoning Code, including a map for "Public Assembly Places", to address potential RLUIPA issues. The proposed ordinance adds Policy 10.6 to the Future Land Use Element to provide consistency between the Comprehensive Plan and the Zoning Code, including the Public Assembly Places map. This will enable the Town to make more effective use, on a future case by case basis, of the Zoning Code's reasonable relief provisions.

It should be noted that staff has also reviewed the proposed ordinance amending the Future Land Use Element and confirms that it does not violate the Charter provision related to intensity, density and height of proposed development.

Recommendation: Staff recommends that the Commission adopt the proposed ordinance striking "public schools" from the Moderate Density Residential/Tourist Future Land Use category, and adding Policy 10.6 to the Future Land Use Element.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Nancy Stroud, Esq.
Special Land Use Counsel



Michael Crotty
Town Manager

ORDINANCE NO. 13 _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF SURFSIDE COMPREHENSIVE PLAN BY AMENDING POLICY 1.1 TO DELETE PUBLIC SCHOOLS AS A USE IN POLICY 1.1 MODERATE DENSITY RESIDENTIAL/TOURIST LAND USE CATEGORY; ADDING POLICY 10.6 TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS THAT ALLOW REASONABLE RELIEF FOR RELIGIOUS USES AND MAP FLU-8; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside has adopted a Comprehensive Plan pursuant to Chapter 163, Florida Statutes, and adopted its most recent EAR-Based Comprehensive Plan amendments to the Comprehensive Plan in January 2010; and

WHEREAS, pursuant to Section 90.17 of the Town Code, the Planning and Zoning Board is designated as the Local Planning Agency for the Town; and

WHEREAS, the Planning & Zoning Board in its capacity as the Local Planning Agency, has reviewed proposed amendments to the Future Land Use Element of the Comprehensive Plan as substantially contained herein and recommended approval to the Town Commission on _____, 2013 ; and

WHEREAS, the Town Commission has reviewed the recommendation of the Planning and Zoning Board and, after duly noticed public hearings in accordance with the Florida Statutes and the Town Code, finds that this Ordinance is in the best interest and welfare of the residents of the Town.

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

Section 1. Recitals.

The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Recommendation of Approval by the Local Planning Agency.

The Planning and Zoning Board, in its capacity as the Local Planning Agency, has reviewed the proposed amendments to the Town’s Comprehensive Plan and recommends approval by the Town Commission.

Section 3. Amending Policy 1.1 of the Future Land Use Element.

The Town Commission, upon review of the recommendations of the Local Planning Agency and independent review, hereby amends Policy 1.1 of the Future Land Use Element of the Town Comprehensive Plan as follows:

Policy 1.1 – The Town shall maintain, improve and strictly enforce provisions which are consistent with the Future Land Use Map, including the land uses and densities and intensities specified thereon and including the following:

...
Moderate Density Residential/Tourist: up to 58 residential dwelling units per acre or up to 108 hotel units per acre and not more than 40 feet in height. The permitted uses are single family, duplex, and multi-family residential uses, hotels, ~~public schools~~, and parks and open space.

Section 4. Adopting new Policy 10.6 and Map FLU-8 in the Future Land Use Element.

The Town Commission, upon review of the recommendations of the Local Planning Agency and independent review, hereby adopts new Policy 10.6 and Map FLU-8 in the Future Land Use Element as follows:

Policy 10.6 – The Town shall maintain land development regulations that allow reasonable relief from the Town land development regulations or the use restrictions of this Comprehensive Plan in order to address possible unintended violations of the Religious Land Use and Institutionalized Persons Act of 2000 or

the Florida Religious Freedom Restoration Act of 1998. For the purpose of allowing such relief, the land development regulations shall provide that religious land uses may be permitted in the areas of the Town as depicted on Map FLU-8 of this Comprehensive Plan.

Section 5. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 6. Conflict.

That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. Effective Date.

This Ordinance shall be effective immediately upon passage by the Town Commission on second reading, except that the effective date of the Plan Amendment approved by this Ordinance shall be the date a final order is issued by the Department of Economic Opportunity or Administration Commission finding the Plan Amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Department of Economic Opportunity notice of intent to find the Plan Amendment in compliance shall be deemed to be a final order if no timely petition challenging the Plan Amendment is filed.

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

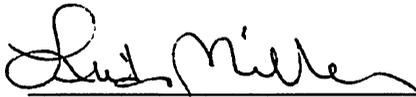
PASSED and ADOPTED on second reading this ____ day of _____, 2013.

Daniel Dietch, Mayor

ATTEST:

Sandra Novoa, CMC, Town Clerk

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



Linda Miller, Town Attorney

On Second Reading Moved by: _____

On Second Reading Seconded by: _____

Vote:

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

ORDINANCE NO. 13-_____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE TOWN OF SURFSIDE CODE OF ORDINANCES AND SPECIFICALLY AMENDING SECTION SEC. 90-41(d) "REGULATED USES" ADDING VETERINARY OFFICE AS A CONDITIONAL USE; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-41 of the Code states that business offices, except veterinary offices, are permitted in the business district; and

WHEREAS, Section 90-41 specifically prohibits all veterinary offices in Town; and

WHEREAS, permitting veterinary offices will require a conditional use application, which will require the Town Commission to analyze the specific location requested for the use, and determine if any special conditions should be applied to the use; and

WHEREAS, the Town Commission recognizes the need to regulate veterinary offices for the health, safety and welfare of the Town; and

WHEREAS, the Town has attempted to create regulations to address the specific needs of the this unique community and continues to amend these regulations to address the placement of veterinary offices as they may best suit the needs of the community; and

WHEREAS, the Town Commission held its first public hearing on September 17, 2013, having complied with the notice requirements required by Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on October 2, 2013 and recommended approval of the proposed

amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, the Town Commission shall have conducted a second duly noticed public hearing on these regulations as required by law on October 8, 2013.

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

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

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

Sec. 90-41. Regulated uses.

Applicability and validity of tables. Nothing shall be used to misconstrue or reinterpret the provisions, limitations and allowances made here in.

(a) *Purpose.* Permitted uses are considered to be fundamentally appropriate within the district in which they are located and are deemed to be consistent with the comprehensive plan. These uses are permitted as of right, subject to the required permits and procedures described in this section. Permitted uses require final site plan review and approval for compliance with the standards applicable to a particular permitted use as provided in this zoning code.

(b) *Permits required.* Except as explicitly provided herein, no use designated as a permitted use in this chapter shall be established until after the person proposing such use has applied for and received all required development permits.

(c) *Table—Regulated uses.*

	H30A	H30B	H30C	H40	H120	SD-B40
Office Uses and Professional Services						

Business and professional offices, except veterinary offices	-	-	-	-	-	P
<u>Veterinary office</u>	-	-	-	-	-	<u>CU</u> <u>(24)</u>

(24) Veterinary Office is a facility for the diagnosis and treatment of pet animals.

Pet Animals are defined as dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds and fish retained for the purposes of being kept as a household pet.

Veterinary offices approved by Conditional Use are subject to the following:

- a. Animals shall be walked on the premises in an enclosed area and all waste shall be disposed of immediately.
- b. No overnight boarding shall be permitted.
- c. Soundproofing shall be required and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.
- d. No malodor shall be perceptible at the boundary of the premises.
- e. All waiting rooms and patient areas shall not be visible from the public right of way.
- f. A minimum of 10% of the floor area of the establishment shall provide retail sales located at the front of the establishment.
- g. Grooming shall be permitted as an ancillary use to a veterinary service.
- h. There shall be a minimum distance separation of 500 feet between veterinary offices.
- i. A violation of any of the conditions described in Section 90-41 (24) a – h, or a violation of the Standards of Review in Section 90-23.2 or a violation of additional conditions required by the Town Commission, shall result in the rescinding of the Conditional Use permit after the Conditional Use permit holder has been notified of these deficiencies. An administrative decision to revoke the Conditional Use permit may be appealed to the Town Manager within thirty (30) days of the date of the revocation. The Town Manager shall schedule an informal hearing with the applicant and the Town Manager’s decision shall be rendered in writing within ten days of the meeting. Any decision made by the Town Manager regarding Conditional Use permits may be appealed to the Town Commission.

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

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

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

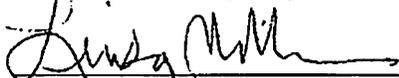
Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

Daniel Dietch, Mayor

Attest:

Sandra Novoa, Town Clerk

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



Linda Miller, Town Attorney

On Final Reading Moved by: _____

On Final Reading Seconded by: _____

Vote:

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



Town of Surfside Planning and Zoning Communication

Agenda Item #:

Agenda Date: October 2, 2013

Subject: Veterinary Clinics

From: Sarah Sinatra Gould, AICP, Town Planner

Background: A resident, who is also a veterinarian, has asked staff to look at Section 90-41 of the Code, which states that business offices, except veterinary offices, are permitted in the business district. This provision specifically prohibits all veterinary offices in Town.

Analysis: Staff has reviewed a number of codes, including Coral Gables, Miami Beach, Bay Harbor Islands and Bal Harbour. Of the codes reviewed, only Coral Gables and Miami Beach specifically permit veterinarian clinics. Typically, municipalities that permit veterinary offices require a conditional use or special exception application, which requires the Commission to analyze the specific location requested for the use, and determine if any special conditions should be applied to the use.

Public Meetings: The Planning and Zoning Board heard this topic as a discussion item at their July 25, 2013 meeting. The Board indicated that if an ordinance were prepared, they wished to see additional controls added into the text. These controls include distance separation requirements (500 feet) between veterinary clinics, requiring patient access through the rear of the property and provide an area on the private property for the animals to be walked. The Planning and Zoning Board recommended that the Town Commission discuss this item prior to directing the Town Planner to draft an ordinance.

The Town Commission heard this item at their August 13, 2013 meeting, but due to lack of a full board, a Commissioner requested to take no action on this item until the following Commission meeting.

A Planning and Zoning Board member requested that the item be placed back on the August 29, 2013 Planning and Zoning Board meeting. The Board voted to direct staff to prepare an ordinance for the Town Commission to review at their September 17, 2013 meeting.

The Town Commission heard this application on first reading at their September 17, 2013 meeting. The Town Commission requested that the ordinance be modified to include revocation provisions if the applicant violates any of the conditions of the application, a reduction of the requirement to provide retail sales and permit grooming as an ancillary use to a veterinary service.

Staff Recommendation: If the Town wishes to permit this use, Staff recommends that the use be a Conditional Use, rather than a permitted use. A Conditional Use will allow the Planning and Zoning Board and Town Commission to analyze the use based on the specific location and propose mitigation for any negative effects of the use. In an application for a veterinary clinic, the Town should consider such factors as sound proofing and determining where the animals will be walked.

Budget Impact: N/A

Growth Impact: N/A

Staff Impact: N/A



Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

Sec. 90-41. Regulated uses.

Applicability and validity of tables. Nothing shall be used to misconstrue or reinterpret the provisions, limitations and allowances made here in.

(a) *Purpose.* Permitted uses are considered to be fundamentally appropriate within the district in which they are located and are deemed to be consistent with the comprehensive plan. These uses are permitted as of right, subject to the required permits and procedures described in this section. Permitted uses require final site plan review and approval for compliance with the standards applicable to a particular permitted use as provided in this zoning code.

(b) *Permits required.* Except as explicitly provided herein, no use designated as a permitted use in this chapter shall be established until after the person proposing such use has applied for and received all required development permits.

(c) *Table—Regulated uses.*

	H30A	H30B	H30C	H40	H120	SD-B40
Office Uses and Professional Services						
Business and professional offices, except veterinary offices	-	-	-	-	-	P
<u>Veterinary office</u>	-	-	-	-	-	<u>CU</u> <u>(24)</u>

(24) Veterinary Office is a facility for the diagnosis and treatment of pet animals.

Pet Animals are defined as dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds and fish retained for the purposes of being kept as a household pet.

Veterinary offices approved by Conditional Use are subject to the following:

a. Animals shall be walked on the premises in an enclosed area and all waste shall be disposed of immediately.

b. No overnight boarding shall be permitted.

c. Soundproofing shall be required and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.

- d. No malodor shall be perceptible at the boundary of the premises.
- e. All waiting rooms and patient areas shall not be visible from the public right of way.
- f. A minimum of 10% of the floor area of the establishment shall provide retail sales located at the front of the establishment.
- g. Grooming shall be permitted as an ancillary use to a veterinary service.
- h. There shall be a minimum distance separation of 500 feet between veterinary offices.
- i. A violation of any of the conditions described in Section 90-41 (24) a – h, or a violation of the Standards of Review in Section 90-23.2 or a violation of additional conditions required by the Town Commission, shall result in the rescinding of the Conditional Use permit after the Conditional Use permit holder has been notified of these deficiencies. An administrative decision to revoke the Conditional Use permit may be appealed to the Town Manager within thirty (30) days of the date of the revocation. The Town Manager shall schedule an informal hearing with the applicant and the Town Manager's decision shall be rendered in writing within ten days of the meeting. Any decision made by the Town Manager regarding Conditional Use permits may be appealed to the Town Commission.



MEMORANDUM

To: Planning and Zoning Board
Thru: Michael Crotty, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Town Attorney
Date: October 2, 2013
Re: 9317 Dickens Avenue - New Fence

The property is located at 9317 Dickens Avenue, within the H30B zoning. The homeowner is requesting to build a new stucco privacy wall with a metal gate setback over ten feet from the property line. The owner is also proposing new pavers, walkway, and new stamped concrete driveway, which will be reviewed during the building permit process. Below please find a location map of 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. 90.56 Fences, walls and hedges

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

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

Frontage	Maximum Height (Feet)	Maximum Opacity (Percent)
Less than or equal to 50 ft in width	4 ft – NOT PROVIDED. SEE CONDITIONS OF APPROVAL BELOW.	All wall and fence surfaces above two (2) feet measured from grade shall maintain a maximum opacity of fifty (50) percent
Wider than 50 ft and less than 100 ft	4 ft + ½ ft per 10 feet of lot width exceeding 50 feet, maximum 6 ft	
Secondary frontage (Corner only)	Shall adhere to the height and opacity limitations for corresponding lot frontage	

Lot frontage is 50 feet in width. Applicant is proposing a five foot fence which exceeds the requirement by one foot.

RECOMMENDATION

Staff recommends approval with the following conditions:

- 1) Reduce the height of the wall by one foot to a maximum height of four feet.
- 2) The island between the driveways shall be a minimum of 60 feet of landscaping.



MEMORANDUM

To: Planning and Zoning Board
Thru: Michael Crotty, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Town Attorney
Date: October 2, 2013
Re: 9480 Harding Avenue

The property is located at 9480 Harding Avenue, within the SD-B40 zoning district. The applicant is requesting to install a new sign. The salon is Elle Air. The applicant is proposing white LED illuminated reverse channel letters. The lettering is light green and satin silver colors.

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

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



STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90-71.1

Signs	Permitted	Proposed
Area	50 sf	7 sf sign for primary sign
Approved word content	Signs may include the following: 1) Trade name of establishment 2) Nature of business, services rendered or products sold on premises.	"Elle Air" (Trade Name) "Blow Dry + Make Up Bar" (Nature of business, services)
Prohibited Word Content	Signs may not include the following: 1) Any reference to price, except as provided in regards to "window sign."	"Elle Air" (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.	Sign does not project over the sidewalk or street.

RECOMMENDATION

Staff recommends approval of the application.



MEMORANDUM

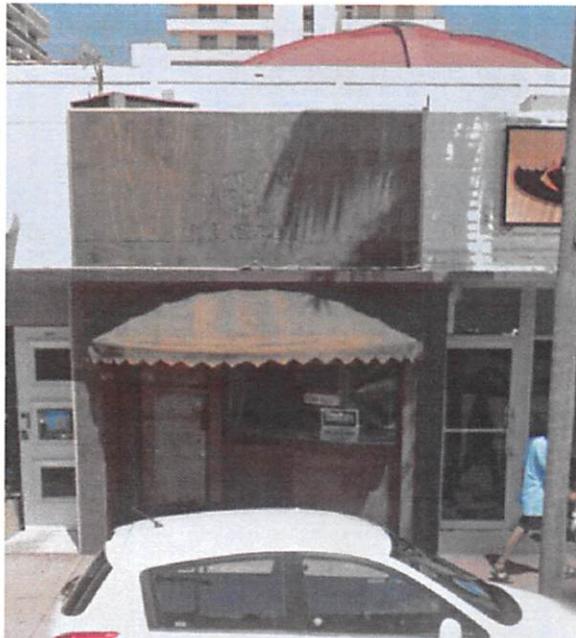
To: Planning and Zoning Board
Thru: Michael Crotty, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Town Attorney
Date: October 2, 2013
Re: 9519 Harding Avenue, New Wall Sign, Yogurtspot

The property is located at 9519 Harding Avenue, within the SD-B40 zoning district. The prior use was a jewelry store which is being replaced with a frozen yogurt shop. The applicant is requesting to renovate their existing façade by replacing the existing marble finish with a painted stucco finish and new window. The applicant also intends to install a new sign with illuminated channel lettering

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

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

Existing storefront:





Neighboring Store Fronts:



Standards/Results

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90.41(c)

Regulated Uses	Permitted	Proposed
SD-B40	Confectionary and ice cream stores	Confectionary and ice cream stores

Sec. 90-49.3

Regulated Uses	Permitted	Proposed
Materials and finishes	<p>1) The surface shall be stucco, stone, metal, glass block and accent wood. Materials vernacular or characteristic to other regions including but not limited to flagstone and adobe shall be prohibited.</p> <p>2) Materials shall be true and genuine, rather than simulated. Multiple storefronts within a larger building shall have consistent material qualities and articulation.</p>	<p>1) The applicant is replacing existing marble with a painted stucco finish.</p> <p>2) Materials are true and genuine. Materials are consistent with neighboring stores.</p>



Sec. 90.49.1

Entrances, Windows and Storefronts	Required	Proposed
Applicable Design Criteria	a. All building facades, including those facing alleyways, shall be rendered consistently with the overall architectural treatment of the building.	The applicant will remove the existing granite and replace it with a painted stucco finish.
	g. The bottom edge of windows shall be no less than 24 inches above the fronting finished sidewalk elevation.	24 inches
	h. For non-residential uses, the first vertical ten (10) feet of building elevation shall be composed of fifty (50%) percent minimum transparency for street-facing building facades and walls.	The first ten feet is at least 50% transparent.
	i. Mirrored, reflective and opaque tinted glass shall be prohibited.	Not indicated.

Sec. 90-71.1

Signs	Permitted	Proposed
Area	25 square feet	14 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.	Name of establishment "Yogurtspot"
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.	Sign does not project over the sidewalk or street.

Recommendation

Staff recommends deferral with the following conditions:

1. Remove awning or replace it with one that will complement the opening both as to shape and color.
2. No electric conduit shall be visible on the façade.



3. Mirrored, reflective, and opaque glass shall be prohibited.



MEMORANDUM

To: Planning and Zoning Board
Thru: Michael Crotty, Town Manager
From: Sarah Sinatra Gould, AICP, Town Planner
CC: Linda Miller, Town Attorney
Date: October 2, 2013
Re: 9449 Collins Avenue

The Grand Beach Hotel is requesting to install a monument sign, fountain sign, and a permanent beach sign at their property located at 9449 Collins Avenue, within the H120 zoning district. This is for the portion of the hotel that is on the east side of Collins Avenue.

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

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



STANDARDS / RESULTS

Town of Surfside Zoning Code, Applicable Requirements

Sec. 90-71.2 Monument Sign

Signs	Permitted	Proposed
Area	25 sf	20 sf
Approved word content	Signs may include the following: 1) Trade name of establishment 2) Nature of business, services rendered or products sold on premises.	"Grand Beach Hotel Surfside" (Trade Name) "9449 Collins" (Address)
Prohibited Word Content	Signs may not include the following: 1) Any reference to price, except as provided in regards to "window sign."	"Grand Beach Hotel Surfside" (No reference to price.)
Location	Monument signs. a. Monument signs shall be permitted in the H30C, H40, MU and H120 districts and are subject to the following restrictions: 1. One sign per street frontage. 2. Maximum sign area is 25 square feet. 3. Maximum height is five feet. 4. Signs shall maintain a five-foot setback from all property lines and no portion shall be permitted to project within this five-foot setback area.	1. One sign 2. Sign area is 20 sf. 3. Sign height is 5 ft. 4. Sign Setback is located 5 ft. away from property line



Sec. 90-71.2 Fountain Sign

Signs	Permitted	Proposed
Area	<p>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. Whenever the running footage is less than 25 feet, total sign area of up to a maximum of 25 square feet shall be permitted. In no case, however, shall total sign area on any single operating enterprise exceed 150 square feet, except as otherwise provided in this Code. For multi-family dwellings in the H30C or H40 districts, total signage shall not exceed 75 square feet and no single sign shall exceed 50 square feet.</p>	<p>Length of lot frontage = 200 ft Proposed sign is 51.5 sf</p>
Approved word content	<p>Signs may include the following: 1) Trade name of establishment 2) Nature of business, services rendered or products sold on premises.</p>	<p>"Grand Beach Hotel Surfside" (Trade Name)</p>
Prohibited Word Content	<p>Signs may not include the following: 1) Any reference to price, except as provided in regards to "window sign."</p>	<p>"Grand Beach Hotel Surfside" (No reference to price.)</p>
Location	<p>No sign shall be erected so that any portion thereof shall project over a dedicated street, alley or sidewalk or so that any portion shall project more than five feet from any main building wall.</p>	<p>In compliance</p>



Sec. 90-71.2 e. (5) Emergency Beach Sign

Buildings on the east side of Collins Avenue abutting the beach walking path shall be required to provide emergency signage for the purpose of identifying the names and addresses of the building. The purpose is to provide fire trucks, police patrol cars, ambulances, and other emergency vehicles knowledge of their location at all times to quicken response time in critical situations. The signage shall be subject to the following limitations:

Signs	Permitted	Proposed
Area	a. Maximum size of 18 inches long by 24 inches wide.	18 inches long by 24 inches wide
Material	b. Material shall be reflective to be clearly visible at night. c. Material shall be weatherproof.	In compliance
Location	d. Signage shall be on a free-standing pole.	In compliance
Approved word content	e. The address lettering and numbers shall be no more than two inches in height. f. The condominium name shall be no more than one inch in height.	"Grand Beach Hotel Surfside" "9449 Collins Ave" Need dimensions of lettering.

RECOMMENDATION

Staff recommends approval of the application.



Town of Surfside Planning and Zoning Board Communication

Agenda Date: October 2, 2013
Subject: Wall Frontage and Side Setbacks in H120 District
From: Sarah Sinatra Gould, AICP, Town Planner

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

Section 90-51 was amended in December 2012 to provide a maximum frontage requirement. The section states that continuous wall frontage shall be not exceed 270 feet and articulated as follows:

.....(3) *H120:* For every 100 feet, a minimum six-foot change in wall planes. The change shall be either vertical or horizontal.

Staff has been requested to develop options that will reduce the maximum building frontage or provide for greater change in wall plane.

August 29, 2013 Planning and Zoning Board Meeting:

At the August Planning and Zoning Board meeting, the Board was presented three options either for breaks or articulations in the building façade. The board indicated they would prefer breaks in the façade. Below are the two options for the façade breaks that the Board preferred:

Option A: For every 150 feet in building frontage there shall be a minimum building separation of 30 feet for the entire depth of the property. Where two or more buildings are provided, each building shall be set back an additional 30 feet from the front plane of any building within the same property.

Option B: For every 150 feet in building frontage there shall be a minimum building separation of 30 feet for the entire depth of the property. Where two

or more buildings are provided, each building shall be set back an additional 66 feet from the front plane of any building within the same property.

In addition to the breaks in the façade, the Board also indicated they would like to remove the stepback requirement for buildings over 30 feet in height and establish the side setbacks for properties in the H120 district to 10% of the lot width per side. The current minimum side setback is 10 feet except when a building exceeds a height of 30 feet, the width of each side yard shall be increased by one foot for every three feet of building height above 30 feet, to a maximum of 20 feet. The smallest lot width in the H120 district is 100 feet therefore a 10% side setback would be the same as the current code. However, in the case of lot aggregation, the side setback would be greater and in proportion to the lot width.

The Board asked staff to consider below grade parking as well. Below grade parking is very costly and while should be encouraged, staff does not recommend that below grade parking should be mandatory.

Breezeways were also discussed at this meeting and specifically the Town of Bay Harbor Islands was mentioned. The Town is currently studying this topic since a “breezeway” is commonly defined as a covered walkway, but the intention was to break up building facades. Per the Town Planner it has been used in number of ways to force better design. In lieu of providing the breezeway, the interpretation by the Town is that the Planning and Zoning Board can approve enhanced architecture. Bay Harbor is attempting a more flexible approach by utilizing this interpretation.

The Board indicated they were pleased with the Surf Club’s design where there is a “platform,” which is a building that houses the common area amenities and then the three towers above, which provides breaks in the façade. This concept will not provide clear breaks in the building from the ground level, but will provide light and air above the forty foot high platform. The forty foot height maximum on the “platform” is intended to provide consistency between the east and west side of Collins Avenue.

Graphics: Attachment 1 represents 30 foot separation on a 300 foot lot.
Attachment 2 represents 30 foot separation on a 500 foot lot.
Attachment 3 represents 66 foot separation on a 300 foot lot.
Attachment 4 represents 66 foot separation on a 500 foot lot.

Recommendation:

- 1) Staff recommends the Planning and Zoning Board review the two options for wall frontage including the provision for a continuous platform that does not exceed 40 feet in height and make a recommendation to the Town Commission.

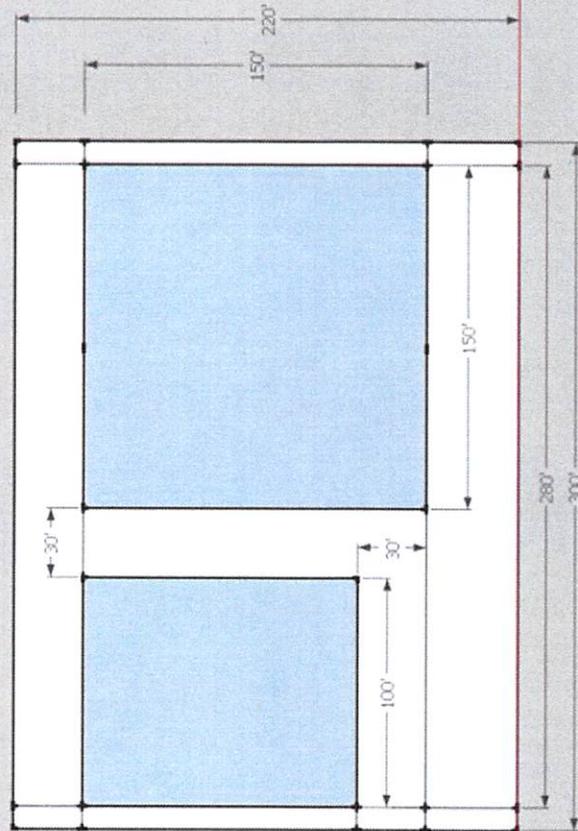
- 2) Staff recommends modifying the interior side setback from 10 feet to 10% of lot frontage to provide greater separation between buildings on neighboring properties when properties are aggregated and reassess the side setback requirement for buildings over 30 feet in height.



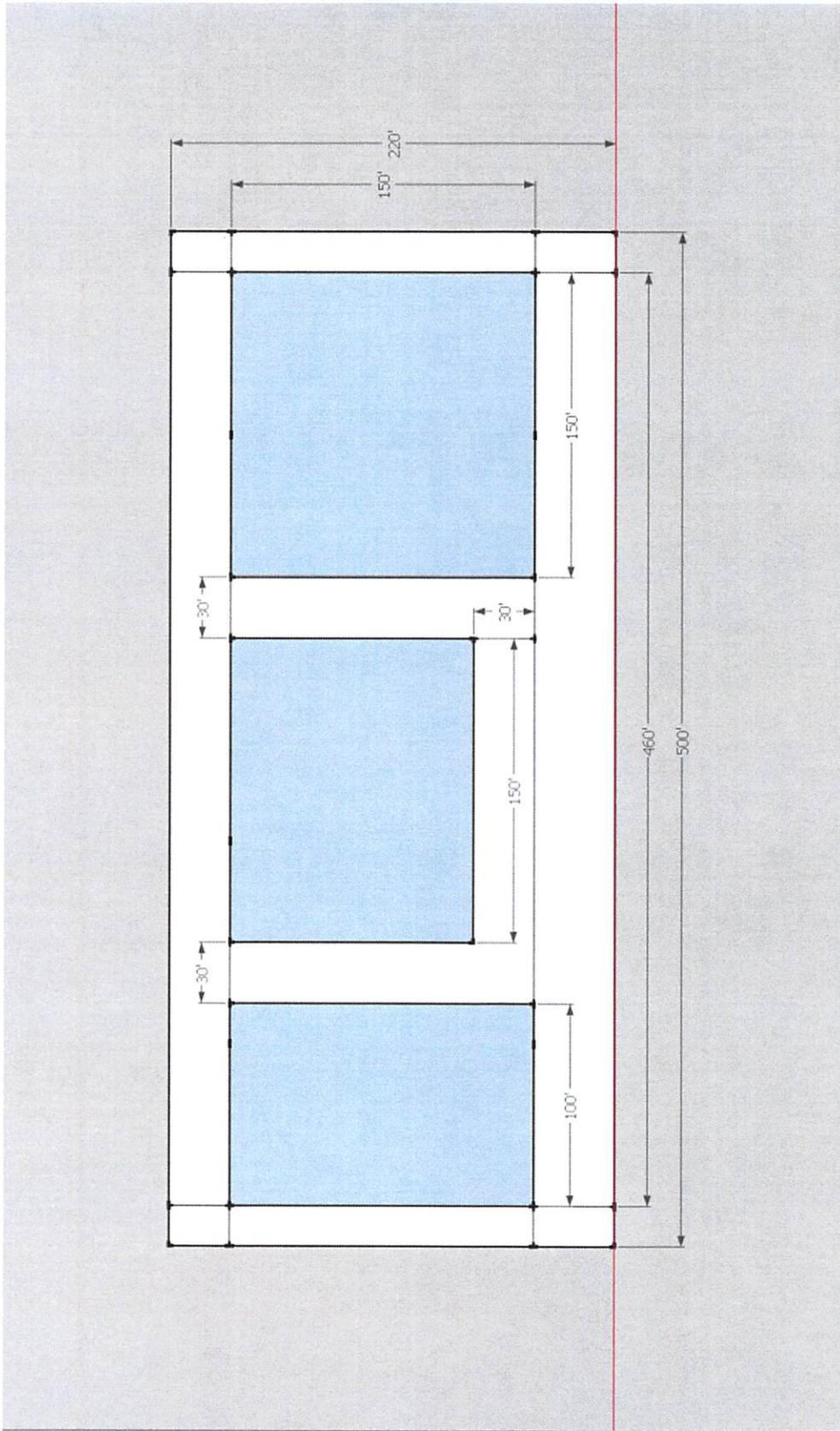
Sarah Sinatra Gould, AICP, Town Planner

Michael Crotty, Town Manager

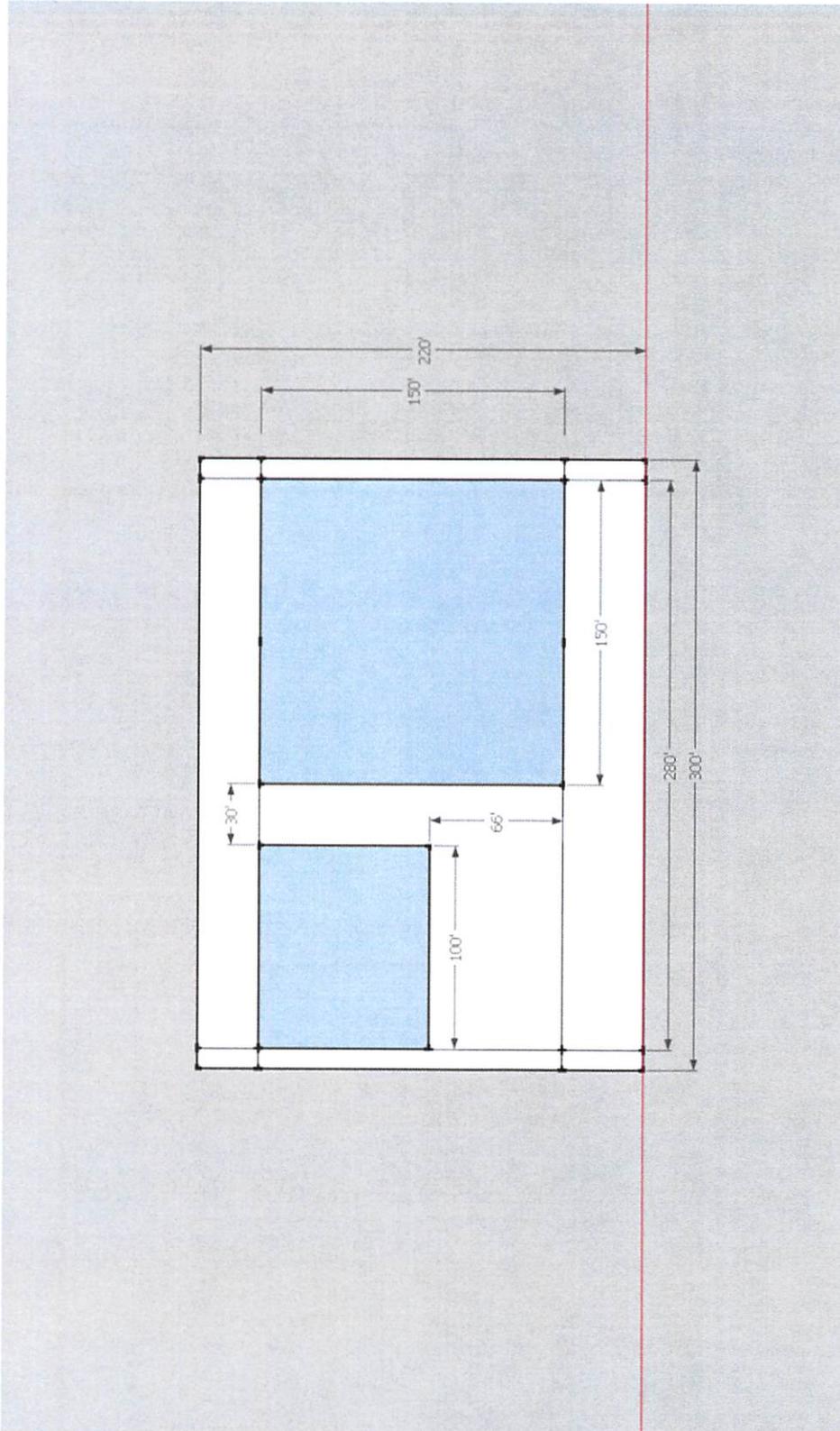
Attachment 1



Attachment 2



Attachment 3



Attachment 4

